

Item No.	Classification: Open	Date: 17/05/2021	Meeting Name: Strategic Director of Environment & Leisure
Report title:		Gateway 2 Contract Award Cossall Park Masterplan Phase One main construction contract	
Ward(s) or groups affected:		Nunhead and Queens Road	
From:		Interim Head of Parks & Leisure	

Not for publication by virtue of category 3 paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution

RECOMMENDATION(S)

That the Strategic Director of Environment and Leisure:

1. Approves award of the contract to deliver landscape construction of Cossall Park Masterplan Phase One to Tillhill Forestry Ltd for a contract period of 14 weeks.
2. Approves the allocation of a client contingency to address the items identified in paragraph 39, and delegates approval of expenditure of the contingency fund to the Director of Leisure.

BACKGROUND INFORMATION

3. Cossall Park is a medium-sized neighbourhood park located in Peckham SE15, which has received little investment over previous years. The park suffers with poor condition infrastructure which is deteriorating, and lacks a coherent design.
4. In 2020 a Masterplan was created through consultation with the local community to guide future investment in the park. The current budget available is sufficient to deliver phase one of the master plan.
5. Phase one works include priority improvements from the Masterplan, such as the opening of the inaccessible area to transform it into a new nature area, making the park bigger. New paths, improved entrances, planting, gym equipment and improvements to the ball court will be delivered as part of this phase.
6. Funding for this project derives from a mix of internal and external sources set out in the table below:

Table 1

£612,287.27	S106 funding
£25,000.00	CGS funding
£40,000.00	Mayor of London's Greener City Fund
£61,749.66	CIL funding secured in February 2021
£20,000.00	CGS funding secured in March 2021
£759,036.93	Total

7. £246,903 of the S106 funding was specifically allocated to opening up the currently inaccessible former Tuke's School site to the public, and transforming it into a new nature area.
8. The £40,000 from the Greener City Fund has been awarded towards the nature area.
9. Since Gateway 1 approval for this procurement, (see Appendix 1), additional funds of £61,750 from the Community Infrastructure Levy (CiL) has been secured for the project alongside £20,000 from the Cleaner, Greener, Safer (CGS) programme.
10. The scope of the phase 1 works was revised to reflect this increased budget and the contract sum is therefore higher than was proposed in the Gateway 1.

Procurement project plan (Key Decision)

11.

Activity	Completed by/Complete by:
Added to Forward Plan for Gateway 2 decision	15/01/2021
Briefed relevant cabinet member (over £100k) GW1	26/11/2020
Approval of Gateway 1: Procurement Strategy Report	10/12/2020
Invitation to tender	02/02/2021
Closing date for return of tenders	09/04/2021
Completion of evaluation of tenders	21/04/2021
DCRB Review Gateway 2:	05/05/2021
Notification of forthcoming decision – Five clear working days	10/05/2021
Approval of Gateway 2: Contract Award Report	17/05/2021
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	25/05/2021
Debrief Notice and Standstill Period (if applicable)	01/06/2021
Contract award	04/06/2021
Add to Contract Register	08/06/2021
Contract start	05/07/2021
Publication of award notice on Contracts Finder	09/06/2021
Contract completion date	22/10/2021

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

12. This contract will deliver phase one of the Cossall Park Master Plan, including the opening of the inaccessible area and transformation into a new nature area, making the park bigger. Additionally new paths, improved entrances, planting, gym equipment and improvements to the ball court will be delivered.
13. Tilhill Forestry Ltd is an experienced landscape contractor who will offer the skills and expertise to ensure that the completed project delivers the ambitions of the council and will provide value for money.
14. This contract is essential to ensure the delivery of an expanded park and high quality public open space.

Key/Non Key decisions

15. This report deals with a key decision.

Policy implications

16. Southwark's Open Spaces Strategy (2013) identifies a need to increase the provision of public parks and natural greenspace wherever possible within the north of the Peckham and Nunhead sub-area, where Cossall Park is located.
17. The project contributes to the council's fairer future commitment theme 3: A greener borough by increasing the size of the park by bringing an inaccessible area into use as a nature area.
18. The project contributes towards the Southwark Nature Action Plan (SNAP) by contributing towards a biodiversity net gain through creation of a nature area, and helping to making nature accessible for all by providing a suitable path for access.
19. The project contributes to the council's fairer future commitment theme 5: A healthy life, by providing high quality outdoor gym and ball court facilities that will encourage sport and physical activity.
20. The facility will have 5 new bicycle racks to encourage people to travel to the park using sustainable transport in line with the Mayor for London's Transport Strategy.

Tender process

21. In line with Contract Standing Orders (CSOs) the procurement followed the standard protocol and competitive tenders were sought from five contractors from the council's Approved List.
22. Quantity Surveyor staff shortages as a result of COVID-19 has caused a delay to the tender process.
23. The tender deadline was extended by 3 days due to requests.

24. In the first round, three out of five tenders were received, from Tilhill Forestry Ltd, two other tenderers.
25. One tenderer was too busy to return a tender. Another tenderer did not return as the scope of the project was too detailed for them, and the current situation with remote working means they have been experiencing delays in obtaining responses to inform their tender.
26. All three tender sums were over budget, therefore the scope was reduced and the project re-tendered.
27. The revised tender was sent to Tilhill Forestry Ltd, and the two others who returned a tender between 24 March and 9 April.
28. Tender returns were received from the three contractors.

Tender evaluation

29. The award criteria followed the Fairer Future Procurement Framework (FFPF) protocol. The assessment of the tenders was based on price: quality: social value ratio of 60%:35%:5%, as proposed in the Gateway 1.
30. The price evaluation of the tenders was undertaken by the quantity surveyor who compiled a report. The evaluation panel consisted of the project manager, the design consultant and another council project manager.
31. The quantity surveyor has confirmed that Tillhill Forestry’s prices are within expected market industry rates.
32. The tender panel evaluated the quality and social value of submissions.

Tenderer	Price score	Quality score	Social value score	Total score	Position
Tilhill Forestry	60	28.5	3	91.5	1
Tenderer 2	52	27	3	82	2
Tenderer 3	42.5	26.5	3.5	72	3

33. Tilhill Forestry Ltd. scored the highest for quality and social value because they tailored their tender submission to site specifics and included the following information -

Approach to contract management and delivery information demonstrated an understanding of the project requirements, included a detailed outline of programme with acceptable timetable and critical paths were stated.

Contract resources, subcontractors and supply chain management information met all criteria demonstrating the management, experience, organisation and resources at their disposal. They also included their systems for selecting and managing sub-contractors. It was also noted that they are award winning.

Quality control information met all criteria including providing a health and safety plan and approach, details of quality assurance system and example of risk register, identifying soil contamination as a potential risk. It was also noted, that they are ROSPA Gold Award winning for excellent health and safety performance.

Experience of Successful Delivery of Similar Projects, contractor provided two detailed examples of hard and soft landscaping projects in London including Southwark. 3 referees were also provided, but were not within the last 12 months.

Plans for monitoring and management of the contract

34. 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. All appropriate details of this procurement will be added to the contract register via the eProcurement System.
35. The contract will be monitored by the project manager.
36. 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.
37. Regular progress meetings with the site administrator, CDM advisor, quantity surveyor and project manager shall be held to monitor progress against the programme and the budget.
38. Any significant unexpected deviance from either programme or budget shall be highlighted to relevant officers, as issues arise, for resolution.

Identified risks for the new contract

39. The following risks have been identified for this project:

Risk	Risk Rating	How mitigated
Discoveries on site that lead to increased costs. Soil contamination has been identified and remediation works may be more costly than estimated.	Low	A sufficient contingency will be held and if required, value engineering can be undertaken
The construction programme may extend past the Greener City fund deadline of September 2021. Funding could be withdrawn.	Low	Maintain a good level of communication with GCF officer. The deadline has been extended once and they are understanding about the impact of COVID-19.
Potential disturbance to local residents, as more people are currently	Medium	Keep residents updated via mailing list and site notices.

working from home due to COVID-19.		
Potential delay due to Brexit and/or the COVID-19 pandemic, which has the potential to affect supply chains, etc.	Low	The programme will be reviewed periodically and works commencement could be delayed if deemed appropriate and in line with COVID-19 guidance.

Community impact statement

40. This project will support the council's commitment to meet the needs of Southwark's diverse communities by improving Cossall Park and its facilities in an area of socio-economic deprivation.
41. The Masterplan has been developed in consultation with the local community.
42. For details of consultation see paragraph 71.

Social Value considerations

43. 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.

Economic considerations

44. The contract will be let to the lowest priced tenderer.
45. Research by the Land Trust in 2018, shows that improving parks has a beneficial effect on the local economy.
46. The promotion of local economic benefit was built into this procurement by:
- i. Requiring contractors to use local companies in their sub-contracting and supply chain arrangements
 - ii. Should Tillhill Forestry need to employ additional staff to deliver this contract, they will target the local labour market.

Social considerations

47. The contractor is committed to engaging with young people to educate them about landscaping and forestry through sponsoring awards and courses within colleges and universities, attending career open days and its partnership with a Coleg Cambria Llysfasi which runs a Diploma in Forestry. They regularly provide work experience placements – although this is unable to happen during Covid.

48. Tilhill's proposal includes engagement with local schools, providing free trees, tree talks, tree planting and nest box building sessions and can offer open days to engage and promote the benefits of the project, giving visitors a sustainable 'goodie bag'.
49. The contractor has confirmed that all appropriate staff engaged in the delivery of the works are paid the LLW or above and to encourage its sub-contractors to do the same.
50. This project will support the council's commitment to meet the needs of Southwark's diverse community.
51. 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:
 - 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.
52. 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 higher quality park, 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.
53. An Equality Impact Assessment has been undertaken to ensure the development complies with legal obligations regarding the council's Public Sector Equality Duty under the Equality Act (2010).

Environmental/Sustainability considerations

54. The contractor actively promotes the use of renewable and sustainable products and resources.
55. Contractors are required to use materials that contribute to achieving sustainability goals outlined in the specification for the project. For example:
 - a. Use of preferred standards
 - b. Re-use of materials that can be recycled or reclaimed on site
 - c. Avoidance of environmentally damaging materials
 - d. Protection of trees on site
56. 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

57. Tillhill Forestry Ltd is a private organisation with 20 years' experience in landscape construction.
58. A range of contractors were selected from the Council Approved List. All were selected from the 'Local' list.
- The successful tenderer is a private organisation
 - The successful tenderer has between 50 and 250 employees
 - The successful tenderer has a regional area of activity

Staffing implications

59. There are no implications for staffing, as the client function will be provided by Environment and Leisure (Parks and Leisure) from their own resources.

Financial implications

60. This report is proposing to award to contract to Tillhill Forestry Ltd Ltd and will incur capital expenditure. This has been discussed in the detail in the closed version of the report.
61. The total expenditure incurred against the capital allocation for the scheme will be monitored and reported as part of the overall Capital Programme.
62. Any revenue costs arising (staffing etc) will be managed within existing approved Departmental budgets.

Investment implications

63. Phase two has been estimated at £1.5million and would deliver a new top quality play area, expanded sports area and more hard and soft landscaping.

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

64. As the Approved List has been used and the construction contract is over £250,000, a second stage financial assessment has been undertaken on Tillhill Forestry Ltd. They achieved an acceptable credit score of and the company has a secure status.

Legal implications

65. The proposed contract award is consistent with the current national procurement regulations and the Council's contract standing orders and the process has followed that which was set out in the GW1 report, with some minor amendments as noted in this report.
66. A JCT Intermediate Building Contract 2016 will be used rather than JCT Minor Works Contract 2016, which was stated in Gateway 1. This is because a JCT Minor Works contract cannot be used with a Bill of Quantities.

Consultation

67. Consultation with the public and stakeholders was undertaken in 2019 and the design was updated according to feedback.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (CAP20/017)

68. This report is requesting the Strategic Director of Environment and Leisure to approve the award of the contract to deliver landscape construction of Cossall Park Masterplan Phase One to Tillhill Forestry Ltd at £515,164 excluding contingency for a contract period 14 weeks, from 25 June.

69. This report is also requesting the Strategic Director of Environment and Leisure to approve the allocation of a client contingency of £51,516 to address the items identified in paragraph 39 and delegates approval of the contingency fund to the Director of Leisure.

70. The strategic director of finance and governance notes that the costs of the contract will be contained within the departmental capital budgets for the "COSSALL PARK PROJ" project allocated under the Council's capital programme, as mentioned in financial implications.

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

72. Staffing and any other costs connected with this project to be contained within existing parks and leisure division revenue budgets.

Head of Procurement

73. A formal concurrent is not required as the estimated value of the contracts is below the EU advertising threshold for works.

Director of Law and Governance

74. A formal concurrent is not required as the estimated value of the contracts is below the current national advertising 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 (and as otherwise recorded in Part B below).

Signature 

Date.26 May 2021

Designation Strategic Director of Environment and Leisure

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
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.*

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
MINUTES of the OPEN section of the Planning Committee held on Tuesday 4 February 2014 at 6.30 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH	Parks and Leisure Environment & Leisure PO BOX 65429 London SE1P 5LX	Michael Bury 07749 045148
http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=119&MId=4639&Ver=4		
MINUTES of the OPEN section of the Planning Committee held on Monday 12 September 2016 at 5.30 pm at Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH	Parks and Leisure Environment & Leisure PO BOX 65429 London SE1P 5LX	Michael Bury 07749 045148
http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=119&MId=5407&Ver=4		
MINUTES of the OPEN section of the Planning Committee meeting held on Tuesday 18 December 2018 at 6.30 pm at 160 Tooley Street, London SE1 2QH	Parks and Leisure Environment & Leisure PO BOX 65429 London SE1P 5LX	Michael Bury 07749 045148
http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=119&MId=6040&Ver=4		
MINUTES of the OPEN section of the Planning Committee meeting held on Saturday, 21 November 2020 via virtual meeting	Parks and Leisure Environment & Leisure PO BOX 65429 London SE1P 5LX	Michael Bury 07749 045148
https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=119&MId=6872&Ver=4		
Project webpage, including Cossall Park Masterplan and reports on two public consultations	Parks and Leisure Environment & Leisure PO BOX 65429 London SE1P 5LX	Michael Bury 07749 045148
http://www.southwark.gov.uk/cossallpark		

APPENDICES

No	Title
Appendix 1	Approved gateway 1 report

AUDIT TRAIL

Lead Officer	Tara Quinn, Interim Head of Parks, Parks and Leisure
Report Author	Michael Bury, Project Manager, Parks and Leisure
Version	Final v10-7
Dated	17/05/2021
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	No	No
Director of Law and Governance	No	No
Cabinet Member	No	No
Contract Review Boards		
Departmental Contract Review Board	Yes	No
Corporate Contract Review Board	No	No
Cabinet	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team		17/05/2021