

**AGENDA ITEM: 9**

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Meeting	Cabinet Resources Committee
Date	28 July 2011
<b>Subject</b>	<b>Authorisation and acceptance of mini tender for the supply and installation of play equipment for 2011-13 (including design and landscaping works).</b>
Report of	Cabinet Member for Environment & Operations
Summary	This report seeks approval to award one contract for the design, supply and installation of play equipment until 31 March 2013 for existing and future schemes.

Officer Contributors	Jenny Warren, Greenspaces Service Manager Elee Amoa, Project Support Officer
Status (public or exempt)	Public with separate exempt report.
Wards affected	All
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	None

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## **1. RECOMMENDATIONS**

- 1.1 That a contract for the design, supply and installation of play equipment is awarded to SMP Playground Ltd, subject to the terms on the use of the framework agreement being approved by Legal.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Delegated Powers Report 1258 Greater London Authority fund acceptance of grant for Dollis Valley Greenwalk dated 14<sup>th</sup> February 2011:

To accept the grant funding of £400,000; £91,200 in 2010/11 and £308,800 in 2011/12 from the Mayor of London's 'Help a London Park' fund for the following project: Improvements to the Dollis Valley Green Walk and that Officers implement the project as set out in the agreement.

## **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Corporate Plan for 2011-13 specifies the implementation of improvements within the Dollis Valley Greenwalk project as a key project within the strategic objective to "protect and enhance our natural and built environment to ensure that the borough is clean and green". The Corporate Plan lists "the completion of improvements in line with the project plan" as key to the delivery of the Dollis Valley Greenwalk project.
- 3.2 The improvement of two play areas is a work strand of the Dollis Valley Greenwalk project that will achieve one of the projects three objectives of improving and providing facilities along the walk.
- 3.3 The Play Equipment 2011-13 contract will facilitate the delivery of community led grant funded projects to improve their local play areas, which contributes to the strategic objective of supporting the development of the Big Society in Barnet.

## **4. RISK MANAGEMENT ISSUES**

- 4.1 Failure to meet completion deadlines set out in funding conditions for each scheme represents the greatest risk. Delivery timelines are achievable and the successful contractor has demonstrated that they can achieve delivery of multiple schemes within short timescales.
- 4.2 These risks have been significantly reduced by the requirement of a project implementation plan within each prospective tender. The presence of this plan allows for assessment of how feasible and robust each contractor's timeline is for supply, installation and landscaping works which can be used to ensure the existing schemes are delivered within deadlines and the programme can be built into any future programmes of delivery.

## **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 Play areas are integral to children's development, in developing skills and contributing to physical activity, the main objective of each play area scheme is to create play areas that are unique, attractive, exciting, challenging and stimulating. The design specification provided in the tendering process addresses the need for open and accessible play areas which enable disabled and non-disabled children to participate and play together.
- 5.2 Each applicant was required to submit a copy of its equality and diversity policy this allowed the Authority to compare and take note of those organisations who share our ethos regarding these issues.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 The contract for 'Play equipment, supply and installation 2011-13' will facilitate the improvement of play areas funded by external grant funding and Section 106 funds until 2013. The contract is required to deliver a number of approved schemes.
- 6.2 The minimum value of the works is £330k for the delivery of a number of confirmed schemes. This includes the Help a London Park play areas at Dollis Valley Greenwalk (£140k), improvements to Friary Park, Mil Hill Park (£120k) and a community group Big Lottery Funded project for Lyttleton playing fields (£70k).
- 6.3 The contract is also required to facilitate the delivery of future schemes that may arise during the term of the contract. There will not be any committed spend until funding has been identified and the relevant approvals sought.
- 6.4 It is expected that the value of the contract will exceed £500k during the contract term, as it is anticipated that further schemes will come forward during the this time. There are two further groups currently applying for external grant funding and the Lyttleton community group are nearing their funding target of £150k.
- 6.5 The Lyttleton Playing Fields scheme has a revenue allocation of £20k as match funding from the Council, which has been set aside in the revenue budget for the financial year 2011/12.
- 6.6 The play area projects detailed in the Play Equipment supply and installation 2011-13 contract were procured utilising the ESPO Pro 5 Framework Contract 115 – Playground and outdoor equipment. The successful contractor SMP Playground Ltd submitted a scheme that best met the design specification and evaluation criteria sent to all bidders and subsequently scored highest in the evaluation process.

- 6.7 Any required approvals / consents will also need to be sought during the design process; this could include seeking planning permission for future sites.

## **7. LEGAL ISSUES**

- 7.1 Where the intended users of a framework agreement have been inadequately or ambiguously identified during the procurement of the framework agreement, then subsequent call-off contracts made under that framework agreement are likely to be regarded by the European Commission as illegal direct awards, and attract infraction proceedings if they come to the Commission's attention.

- 7.2 It is therefore essential that permissible framework users are clearly and effectively identified in the contract notice and contract documents in order to avoid such issues. Therefore, as in the recommendation, the award of the proposed contract is subject to reviewing of the framework agreement (ie contract notice and contract documents) and there being no risk of challenge to LB Barnet of the proposed call off under the framework agreement.

## **8. CONSTITUTIONAL POWERS**

- 8.1 Contract Procedure Rules – Table 5.1: Authorisation. Authorisation and acceptance of contract values of £500,000 and above require Cabinet Committee approval.
- 8.2 Contract procedure Rules – 6.9 Framework Agreements. The Commercial Director must be satisfied that the joining of an existing agreement represents the most economically advantageous solution and complies with the relevant EU rules on the use of such agreements. The use of the ESPOE Pro-5 Framework Agreement has been cleared and the rules 6.9.1.1 through to 6.9.1.5 have been met. A mini-competition was conducted to ensure best value.

## **9 BACKGROUND INFORMATION**

- 9.1 Over the last 12 months the Council Officers have been working with local Friends of Parks and resident groups to obtain grant funding for improvements to play areas. To date one application has been successful in obtaining £50,000 from the Big Lottery, further application results are awaited, and there are indications that further groups intend to submit funding bids in this forthcoming year.
- 9.2 A significant grant award was obtained from the Mayor's Help a London park initiative for Dollis Valley Greenwalk which will see the improvement of two play areas before 31 March 2012. The play area schemes are being developed through an extensive consultation process to deliver play spaces that meet the needs and desires of the local community who use them. The

successful contractor will be required to assist in the delivery of this process which includes an on-site activity day to capture the views of parents and children.

- 9.3 A contract is required to facilitate the delivery of the above and other projects until 31 March 2013.
- 9.4 A mini competition was conducted inviting tenders from 13 suppliers on the ESPO Contract 115 framework, to bid for the play equipment 2011-13 contract for the supply and installation of play equipment, including design and landscaping services. The ESPO framework was used to successfully deliver the Playbuilder play areas in 2009/10.
- 9.5 ESPO is a local authority purchasing and distribution consortium, jointly operated by the county councils of Cambridgeshire, Leicestershire, Lincolnshire, Norfolk and Warwickshire and the unitary authorities of Leicester and Peterborough City Councils, of which Barnet is a member. The consortium acting on behalf of the Pro5 group of professional buying organisations has established the terms and conditions which will apply to any call-off arrangements by customers during the period of the Framework in accordance with regulation 19 of The Public Contracts Regulations 2006 (Commencing 1<sup>st</sup> April 2009).
- 9.6 Four tender returns were received and evaluated using a weighting / scoring mechanism that was devised in advance of the tenders being received, which takes both price and quality into account. From this scoring matrix the highest scoring submission would be offered the Play equipment 2011-13 contract.
- 9.7 Four tender returns were received and were subject to a quality and price evaluation as follows:

<b>Contractor</b>	<b>Final Score %</b>
SMP Playground Ltd	79.38
b	70.79
d	65.48
a	64.54

## 10. LIST OF BACKGROUND PAPERS

10.1 None

Legal: PJ  
CFO: JH/MC

