

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community (Introduced by the Executive Member for Resources)	Executive Cabinet	23 October 2014

## ASTLEY PARK DESTINATION PLAY AREA

### PURPOSE OF REPORT

1. To obtain Executive Cabinet approval to depart from the Council's contract procedure rules to allow for direct negotiation with Newground Landscape Services for the delivery of a destination play area at Astley Park. To delegate the authority to appoint Newground Landscape Services to deliver Astley Park Destination Play Area to the Executive Member for Resources. The contract value for this work is £253,583.45 and therefore represents a key decision.

### RECOMMENDATION(S)

2. That the Council depart from the corporate contract procedure rules on the award of high value contracts to allow for direct negotiation with a nominated contractor, Newground Landscape Services.
3. To approve the delegation of the decision to appoint Newground Landscape Services to deliver Astley Park Destination Play Area to the Executive Member for Resources.

### EXECUTIVE SUMMARY OF REPORT

4. The Streetscene and Leisure Contracts Team have been working with Newground Landscape Services to develop design proposals for Astley Park Destination Play Area. Planning Permission for the scheme was granted in September 2014.
5. The Streetscene and Leisure Contracts Team are seeking to appoint Newground Landscape Services on an open book basis to construct the scheme for an overall budget of £253,583.45. To ensure that value for money is achieved, independent quantity surveyors have been appointed to audit the bills of quantities prepared for the job, ensure that competitive quotes have been obtained for the supply of materials and that labour rates are competitive.
6. The appointment of Newground Landscape Services is sought for a number of social benefits which will be delivered alongside the scheme as detailed in the report.
7. The council's contract procedure rules require that high value contracts (above £100,000.00) are tendered through an open procurement process, generally through the Chest (the council's e-procurement system). In this instance a departure from these rules is sought for the reasons given in the report.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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<b>Key Decision?</b> Please bold as appropriate	<b>Yes</b>	No
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	<b>2, a contract worth £100,000 or more</b>
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

## REASONS FOR RECOMMENDATION(S)

### (If the recommendations are accepted)

8. There is urgency in this matter. In order that the play area is delivered in time for spring next year, work needs to commence prior to Christmas 2014. If this matter is brought to Cabinet in November this timetable will not be met. Also, approving the scheme before November will provide more time for local recruitment (via the Job Centre) before the Christmas period closedown.
9. Newground Landscape Services will work alongside independently appointed Quantity Surveyors and open book accounting will operate during the construction of the scheme to ensure that value for money is achieved. Newground Landscape Services will deliver numerous social benefits during the construction of the scheme including the arrangements of local works placements, creating training opportunities for clients of Brothers of Charity and pupils at Parklands High School. In addition the proposed construction programme does not allow for a full tender process to be undertaken to enable the scheme to be delivered in spring 2015.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. Undertaking a full tender exercise to obtain competitive quotes for the construction of the scheme. The proposed construction programme does not allow for the delay which this process would require therefore this option was disregarded.

## CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	✓

## BACKGROUND

12. Since January 2014, the Streetscene and Leisure Contracts Team have been working with Newground Landscape Services to develop design proposals for Astley Park Destination Play Area.
13. A procurement waiver to the value of £11,767 was approved in January 2014 to appoint Newground Landscape Services for the full design, tendering and contract administration services for Astley Park Destination Play Area. The original waiver was approved on the

basis of Newground's excellent track record in delivering award winning play areas (including Chorley Council's Yarrow Valley Play Area), the firm company commitment to sensitive design in a historic setting, commitment to sustainable/local sourcing of materials and the range of in house expertise of issues (such as landscape architecture, drainage, ROSPA and health and safety inspection requirements). In addition, the tight timescales for delivery of the play area required a designer to be appointed quickly.

14. Planning Permission for the scheme was granted in September 2014. The Streetscene and Leisure Contracts Team are now seeking to appoint Newground Landscape Services to construct the scheme for an overall cost of £253,583.45. To ensure that value for money is achieved, independent quantity surveyors have been appointed to audit the bills of quantities prepared for the job, ensure that competitive quotes have been obtained for the supply of materials and that labour rates are competitive.
15. The appointment of Newground Landscape Services is sought for a number of social benefits which will be delivered alongside the scheme
  - **Social benefits** – Newground is a Community Interest Company where profits are gift aided into Newground's charity and distributed in the form of grants for environmental and community enhancement projects.
  - **Local work placements** - Newground will manage the site and all of the works will be undertaken by a team of skilled landscape contractors. In addition, Newground will provide training and work placement opportunities for local people recruited via Chorley Job Centre Plus. Newground have undertaken initial discussions with the job centre, who are very willing to promote the programme and identify people who will meet the essential criteria. Newground will work with the job centre to recruit suitable people to take up work experience placements. As all work placements will be voluntary, it will be important to recruit those young people who are interested in outdoor construction/building trade work. Newground will provide a certificate of achievement and reference statement to all trainees who complete their work placement.
  - **Brothers of Charity** - Newground will engage will local care organisation Brothers of Charity, who provide support to people with learning difficulties and are already engaged within Astley Park within the Pets Corner. Newground will liaise with Brothers of Charity and it is proposed that opportunities will be created for 2 clients of Brothers of Charity, where they will be involved in some of the practical aspects of the project. Both organisations will agree on the types of work suitable, to match the abilities of clients and duration of these opportunities. It is proposed that such opportunities will be available towards the end of the project, during the soft landscaping elements, such as planting, turfing and laying of loose material surfaces.
  - **Parklands High School** - Newground will also engage with the local Parklands High School. It is hoped that a small working group of students will be involved throughout the project getting involved in design discussions, build discussions, site surveys, site progress visits and potentially practical involvement with some of the elements of the bespoke design.
16. Although the proposed contract award process is a departure from the council's contract procedure rules, best value will be demonstrated by any contract award being on an open book basis. The council will retain a quantity surveyor to review the charge rates used, fees and costs incurred by any sub-contracted suppliers. These checks will ensure the council is meeting it's obligation to obtain best value.
- 17.

## IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

#### COMMENTS OF THE STATUTORY FINANCE OFFICER

19. Provision has been made through the 2014/15 budget cycle as the scheme is one of the projects included within the Astley 2020 programme of works. I am satisfied that sufficient checks and balances will be put in place to ensure value for money is obtained. The use of the social value act will become more prevalent in decision making and this is a good example of how the act is intended to be used.

#### COMMENTS OF THE MONITORING OFFICER

20. The council's contract procedure rules require all high value procurements (those above £100,000.00) to be tendered through an open procurement process on the Chest. The contract procedure rules can be departed from if there is good reason to do so. This is not an OJEU procurement and therefore it is not unlawful to not procure the contractor through an open process. In this instance the reasons for departing are the social benefits, which are now valid factors pursuant to the Public Contracts (Social Value) Act to consider when procuring a contract and the timetable for delivery. Given the timetable for delivery and the controls being introduced governing the spend and the social benefits the departure from the procurement rules can be justified.

DIRECTOR: JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

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