



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE PORTFOLIO HOLDER FINANCE AND ORGANISATIONAL DEVELOPMENT

TOPIC – NORTH WALLS SKATE PARK – TENDERING PROCESS

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

In accordance with the Procedure Rules, the Chief Operating Officer, the Chief Executive and the Chief Finance Officer are consulted together with Chairman and Vice Chairman of The Overview and Scrutiny Committee and any other relevant overview and scrutiny committee. In addition, all Members are notified.

If five or more Members from those informed so request, the Leader may require the matter to be referred to Cabinet for determination.

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SUMMARY

A report went to Winchester Town Forum In March 2013 and Cabinet in April 2013 (WTF187) that approved expenditure from the Open Space Fund of £157,674 towards the cost of building a new concrete skate park at North Walls. In October 2013, a grant of £100,000 was secured from Veolia Environmental Trust. The grant requires that the tender process is completed by 22 February 2014. In order to undertake the tender process it is proposed to use Constructionline and the Select List Procedure to invite tenders for the building of the skate park.

DECISION

- 1) That authorisation be given for the use of Constructionline and the Select List procedure under Contract Procedure Rule 12 to invite tenders for the work from suitable contractors listed on Constructionline, with tenders to be assessed on the basis of 40% cost:60% quality;

- 2) That the Assistant Director (Neighbourhoods and Environment) be authorised to determine the detailed evaluation model for the assessment of tenders and manage the tender process generally;
- 3) That a report on tenders received, including a request for the release of the necessary funds under Financial Procedure Rule 6.4, be brought to the meetings of Winchester Town Forum and Cabinet in January and February 2014 respectively.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

It is proposed that the Select List Procedure under Contracts Procedure Rule 12, and Constructionline, be used for inviting tenders for the build element of the skate park project. The main reason for this is that all companies registered with Constructionline have already undergone an assessment and a pre-qualification questionnaire and financial investigations do not therefore need to be undertaken, separately thus simplifying the process. There is a sufficient number of contractors already registered with Constructionline who are considered as suitable for the build project.

The Veolia Environmental Trust grant requires the completion of a tender process within four months of the award of the grant. This means that there is a strict time constraint on this element of the project and the use of Constructionline can streamline this process.

If Constructionline were not used for the management of the tender process, then it would be necessary to undertake an alternative form of tender. Options for this are:

- An open tender process, which is advertised publicly and open to any contractor; or
- A Restricted tender process, whereby tenders are only invited from a limited number of contractors, who are selected following submission and evaluation of a pre-qualification questionnaire.

Both these options involve inviting submissions from many companies, which would then have to be evaluated and assessed before a contract could be issued. This would be a much more complicated and lengthy process, which could jeopardise securing the Veolia Grant. Moreover, neither process is likely to secure a more cost-effective tender than could be obtained using the Select List/Constructionline process proposed.

It is proposed that tenders will be evaluated on the basis of 40% price and 60% quality. Although the works will be adequately specified, it is essential that the quality of the finished surfaces and the work in general is of a high standard. Delegated authority is sought to finalise the detailed evaluation model, but the quality aspects will primarily be assessed using references and visits to projects carried out by tenderers.

A report will be taken to Town Forum and Cabinet in January/February 2014 with the results of the tender process, seeking the release of funds under Financial Procedure Rule 6.4 and approving the tender award for the project.

RESOURCE IMPLICATIONS:

Financial resources have already been allocated to this project from the Open Space Fund and have been included in the Capital Programme. The tender process will be managed within the existing staff resources of the Landscape and Open Spaces Team.

The total cost of the project is £330,000 which includes the cost of the replacement multi-use games area. The funding agreed to date is as follows:

	<u>£330,000</u>
Open space fund play	124,674
Headbourne worthy PC	10,000
Open space fund sport	33,000
Veolia Environmental Trust	100,000
Total	£267,674

A funding bid for the remaining £62,326 is being prepared to Sport England for submission prior to 16th December 2013.

CONSULTATION UNDERTAKEN ON THE DECISION

N/A

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

Cllr Sanders enquired whether the company who had designed the skate park (Maverick Skateparks) would be invited to tender. It was confirmed that they would be invited to submit a bid for the construction phase of the project.

Cllr Rutter and Cllr Lipscomb expressed concerns about whether progressing with the skate park project would compromise options for the leisure centre refurbishment/redevelopment.

This issue has been discussed at senior officer level and it has been agreed that it is advisable to proceed with the skate park project despite uncertainties over future plans for the leisure centre. Reasons for this include utilising unspent developer contributions within the timeframe required for winding up the Open Space Funding System and taking advantage of £100k grant currently available from Veolia. A decision on the future of the leisure centre will not be taken until June 2014 at the earliest and it will then be several years before construction commences. During this time users will have had the benefit of a new skate park.

If the land occupied by the skatepark was needed for the new leisure centre, the cost of relocating the skatepark would be factored into the leisure centre scheme. However, the skatepark alone is unlikely to offer sufficient additional space to accommodate an extended leisure centre and there would be a further cost in relocating the adjacent indoor bowls centre. This is likely to render such an option for the leisure centre prohibitively expensive.

Cllr Collin has queried the use of a tender evaluation model with a balance of 60% on quality and 40% on price. The decision to use this approach follows advice from the design consultants and corresponds with the approach taken by other local authorities in commissioning similar schemes. A certain degree of competence can be assumed from the contractors selected to tender. However, this is a specialist non-standard construction project and the success is very much dependent upon the contractors ability to deliver a high standard of finish. It is therefore considered essential to include within the evaluation an assessment of each contractor's ability to deliver specific elements of the project to a benchmark standard. A number of specific element, against tenders will be assessed, have been incorporated into the quality element of the evaluation model. A consultant civil engineer has also been appointed to evaluate the specialist technical aspects of each tender. The project has a maximum budget, which is determined by the funding available. Of the tenders which meet the minimum quality criteria, the contract will be awarded to that which offers the best value for money.

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 20 December 2013

Councillor Stephen Godfrey – Portfolio Holder for Finance and Organisational Development