



**REPORTS FOR DECISION BY THE  
CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

Date Issued: 28 July 2011

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**A Record of Decision will be issued following the conclusion of 5 clear working days from the date of issue of the Report**

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# Agenda Item 1

## **MAIDSTONE BOROUGH COUNCIL**

### **CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES**

#### **REPORT OF THE ASSISTANT DIRECTOR FOR ENVIRONMENT AND REGULATORY SERVICES**

**Report prepared by Jason Taylor**

**Date Issued: 28 July 2011**

- 1. MOTE PARK REGENERATION PROJECT – APPOINTMENT OF CONTRACTOR AND FINAL APPROVAL OF SCHEME**
  - 1.1 Issue for Decision
  - 1.2 To consider the appointment of the preferred contractor for the Mote Park Regeneration Project and the final approval of the scheme.
  - 1.3 Recommendation of the Assistant Director of Environment and Regulatory Services.
  - 1.4 That the Cabinet Member accepts the tender submission and proceeds with Contractor A (as identified in the exempt Appendix) as the Councils preferred contractor, to implement the Mote Park Regeneration Project capital works as approved by The Heritage Lottery Fund.
  - 1.5 That the final scheme for the Mote Park Regeneration Project capital construction works as shown in Appendix A, be approved by the Cabinet Member and permission given to progress.
  - 1.6 That delegated authority is given to the Assistant Director of Environment and Regulatory Services to agree any design changes required during the construction period, in consultation with the Cabinet Member, in order to keep the project within budget, if unforeseen circumstances arise.
- 2 Reasons for Recommendation
  - 2.1 **Appointment of Contractor**
  - 2.2 Following the Cabinet Member for Leisure and Culture's decision in October 2010 to "progress to the implementation stage of the Mote Park Regeneration Project and the issuing of the tender documents in January 2011 for the works", the Council has undertaken a tender process as detailed below :

- 2.3 The procurement of a contractor to carry out the Capital works for the Mote Park Regeneration Project was not subject to a full OJEU (Official Journal of the European Union) procurement process, but was over the council's threshold for a tender process to be required.
- 2.4 A restricted tendering process was used requiring a Pre Qualification Questionnaire (PQQ) to select a short list of contractors to take part in the actual invitation to tender process (ITT).
- 2.5 The opportunity was advertised via a BIPS (BIP Solutions) Competitive Contract Notice and entries in the IESE (Improvement Efficiency South East) Portal and the Councils own website.
- 2.6 Some fifty-two contractors submitted an expression of interest, and twenty-three completed submissions were received by the deadline of 31<sup>st</sup> August 2011.
- 2.7 Following evaluation by Council Officers seven contractors were selected to take part in the full tendering stage and all of these returned submissions by the deadline of April 1<sup>st</sup> 2011.
- 2.8 These submissions were evaluated by a team of officers and the landscape architect for the project.
- 2.9 All bills of quantities were checked by a quantity surveyor for obvious errors and general compliance.
- 2.10 The responses were extensively analyzed based on the pre published criteria and a quality/cost weighting of 60%/40% respectively. This included the overall approach to the project, their plans, methods and team structure to deliver the brief.
- 2.11 As a result the four leading suppliers at this stage were invited for clarification interview during the week beginning 18<sup>th</sup> April 2011. These were held over two days and attended by Council Officers, the Landscape Architect and the Quantity Surveyor assigned to the project.
- 2.12 Following the interview suppliers were re-scored against the agreed criteria and the quantity surveyor undertook a detailed check of the bill of quantities and identified a number of mathematical errors, these were notified to the suppliers and their scores adjusted accordingly. However, all of the bids came in over the agreed budget and although it was clear that by a process of value engineering the highest scoring contractor could deliver the project within budget, the Council was not comfortable signing off the project until it had a full bona fide submission within the budget.

- 2.13 A revised set of requirements were then agreed internally and with the Lottery. To ensure fairness a supplement to the ITT was issued to all seven original tenderers requesting a revision to the contract.
- 2.14 The revised bids were received on the 6<sup>th</sup> July 2011 and checked for uniformity. The original pre-interview quality scores were added to the revised price scores based on the pre published criteria and a quality/cost weighting of 60%/40% respectively.
- 2.15 The four contractors that submitted bids within the budget were invited for clarification interviews on the 14<sup>th</sup> July 2011.
- 2.16 Following the interview contractors were re-scored against the agreed quality criteria.
- 2.17 The following table shows the final evaluated scores following the interviews and written confirmation from the bidders of their revised contract values.

Supplier	Price Score 40%	Quality Score 60%	Total Score 100%
Supplier A	39.5	49.4	<b>88.9</b>
Supplier B	38.7	47.6	<b>86.3</b>
Supplier E	39.8	46.2	<b>86.0</b>
Supplier G	40.0	45.6	<b>85.6</b>

- 2.18 Each company had its own special expertise, however Supplier A was judged to have the best overall proposal in terms of project control and cost scoring the highest combined Price/Quality score.
- 2.19 It is recommended that the Cabinet Member for Community and Leisure Services gives authority to the Assistant Director for Environment and Regulatory Services to approve Supplier A as the preferred supplier and award the works (subject to contract). The work programme is to be completed by June 2012.

### **3 Approval of Final Scheme and Permission to Progress**

- 3.1 Following considerable consultation with local people, the Friends of Mote Park and other stakeholders a set of proposals was produced and submitted to the Heritage Lottery Fund for the Stage 2 application in June 2010. Following approval by the HLF further development to the plans has taken place to ensure that the proposals are achievable financially and practically. These changes have been minimal and the overall scheme remains unchanged.
- 3.2 The Master Plan for the Construction Phase of the project can be seen in Appendix A. As the more detailed plans are very large and bulky they have not been included in this report, but are available from the Parks and Leisure Department. The following is a summary of the

works proposed in Project Capital Construction Works:

- 3.3 Improved pedestrian access, with new DDA compliant footpaths comprising an inner (around the lake) and outer circuit, enabling safe wheelchair and pushchair access throughout.
- 3.4 Works to manage the outflow of the lake to reduce lake edge flooding.
- 3.5 Repair of the lake crossing causeway with a natural reed bed treatment to prevent erosion.
- 3.6 New bridge construction in order to provide an accessible pedestrian route across the lake.
- 3.7 Refurbishment of Mote Avenue and School Lane car parks.
- 3.8 New parking facilities via Willington Street entrance.
- 3.9 Installation of electronically controlled gates to prevent unauthorised vehicular access in the park.
- 3.10 Reconstruction of the historic waterfall.
- 3.11 Construction of a boathouse promenade and the relocation of the model boat club platform.
- 3.12 Restoration works to the historic pavilion.
- 3.13 Information points at the entrances and historic park features enhancing user's knowledge and interest of the park.
- 3.14 New way finding signage throughout.
- 3.15 New and refurbished park furniture, including litter bins, seating and cycle stands.
- 3.16 Security improvements including the provision of additional CCTV cameras at key locations agreed with the Police.
- 3.17 Fishing swims, including some for anglers with disabilities.
- 3.18 Two additional local park centers with play equipment (including facilities for children with disabilities) and potential for catering facilities.
- 3.19 Improved seating throughout, providing rest points in the park.
- 3.20 Improvements to park entrances enabling safe access.

- 3.21 Kiosk improvements including external cladding and internal improvements.
- 3.22 It is recommended that the Cabinet Member approves and gives permission to progress with the Capital Construction Works as shown in Appendix A.
- 4 **Delegated Authority to Assistant Director of Environment and Regulatory Services**
- 4.1 It is likely that during the construction phase of the Mote Park Regeneration Project that it will be necessary to make minor design adjustments to maximize resources and to keep the project within budget. It is recommended that delegated authority is given to the Assistant Director of Environment and Regulatory Services to agree these minor changes, as to report back to the Cabinet Member for Community and Leisure Services would result in lengthy delays to the project programme.
- 5 Alternative Action and why not Recommended
- 5.1 Alternative action that could be taken by the Cabinet Member could be to choose an alternative supplier to Supplier A. This is not recommended as it would go against the tendering process carried out by officers and the scoring which found Supplier A to offer the best overall proposal.
- 5.2 The Cabinet Member could choose not to approve the final scheme for the Mote Park Regeneration Project capital construction works as shown in Appendix A, and not give permission to progress with the work. This is not recommended as the whole scheme has been consulted on and agreed over several years by a large number of park users and stakeholders, to change the plans would be going against what has been agreed with these stakeholders.
- 5.3 The Cabinet Member could not agree to give delegated authority to the Assistant Director of Environment and Regulatory Services to agree any design changes required during the construction period, but this would likely result in delays to the programme because of the time that it would take to bring reports to the Cabinet Member to agree minor changes.
- 6 Impact on Corporate Objectives
- 6.1 Key objectives of the Strategic Plan 2011 – 15 which the regeneration of Mote Park will have a positive impact on are:
- 6.2 For Maidstone to be a decent place to live and continues to be clean and attractive environment for people who live and visit the borough.

7 Risk Management

- 7.1 There is a risk that the Heritage Lottery Fund will not approve the Council's choice of supplier – this is seen as very unlikely as the HLF have already approved the procurement process used by the Council to select a supplier.
- 7.2 There could be a risk of the selected contractor not delivering the project – this is seen as minimal as references have been sought showing that the selected supplier has delivered projects of this type in the past and financial checks agree that the supplier is financially capable of delivering this project. Robust contract management arrangements have been put in place which will be overseen by the Assistant Director for Environment and Regulatory Services.
- 7.3 If approval of the final scheme, permission to progress and delegated authority for the Assistant Director of Environment and Regulatory Services to agree any design changes is not given it is likely that there will be a delay in the overall programme. This in turn is likely to result in the works not being completed by the June 2012 deadline.

8 Other Implications

8.1

1. Financial	X
2. Staffing	X
3. Legal	X
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	X
6. Community Safety	X
7. Human Rights Act	
8. Procurement	X
9. Asset Management	X

- 8.2 Financial – The Council has already committed to proceed with this project and the capital contribution along with the funding from the Heritage Lottery Fund for the project is in the budget programme.
- 8.3 Staffing - Two posts (Mote Park Project Manager and Mote Park Audience Development Officer) are funded by the project. No additional staff will be required.
- 8.4 Legal – A legal agreement will need to be produced between Maidstone Borough Council and the chosen supplier.
- 8.5 Environmental/Sustainable Development – All suppliers scored highly on the environmental impact and all have experience working in environmentally sensitive areas.
- 8.6 Procurement – The procurement section have been involved in this decision, once a supplier is chosen minimal input will be required from them.
- 8.7 Asset Management – The works included in the Mote Park Regeneration Project will improve the Councils asset and increase the value of Mote Park to users.
- 9 Relevant Documents
- 9.1 Appendices
- 9.2 **Exempt Appendix** - Identification of Contractors, Tender Report and Client Acceptance memo from MBC Procurement Section.
- Appendix B – Mote Park Restoration Project Master Plan.**
- 10 Background Documents
- 10.1 Tender documentation produced by suppliers.
- 10.2 Scoring documents.
- 10.3 Mote Park Regeneration Project Stage 1 and 2 Heritage Lottery Applications.
- 10.4 Cabinet Record of Decision, 22<sup>nd</sup> December 2010. Mote Park Improvement Project.
- 10.5 Cabinet Member for Leisure and Culture Record of Decision, 5<sup>th</sup> November 2010. Progressing Mote Park Improvements Project



All of these documents are held in Maidstone House.

**IS THIS A KEY DECISION REPORT?**

Yes

No

If yes, when did it first appear in the Forward Plan?

This did not appear in the forward plan as it was initially thought that this was not a key decision as funding had already been approved for this project and that this report was purely to appoint a contractor. A decision is required before the next Forward Plan is published.

This is a Key Decision because:

It gives the go ahead to award £2m of work to Contractor A to progress with the agreed scheme.

Wards/Parishes affected: Mote Park is in Shepway North Ward

Is this an urgent decision? Yes

No

Reason for Urgency

N/A

### **How to Comment**

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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# Agenda Item 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted