



Report of Technical Manager

Report to Chief Officer Parks and Countryside

Date: 11th March 2021

Subject: Contract Award for Supply and Occasional Installation of Fixed Outdoor Playground Equipment – Further Competition from ESPO Framework 115

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

A tender exercise has now been conducted against Lot 2 of the Eastern Shires Purchasing Organisation’s (ESPO) Framework Agreement (115) for the supply and occasional installation of Outdoor Playground Equipment.

The contract is to run for 12 months with the option of 3 x 12 month extensions.

This report advises the Chief Officer for Parks and Countryside of the outcome of the evaluation stage of the procurement process and recommends the award of the contract to Kompan Ltd.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

The delivery of good quality play areas, providing a broad range of play opportunity for all children to access supports the authority to deliver on its plans to be the best council for;

- Communities
- Children
- Health and well being
- Economic growth

3. Resource Implications

The utilisation of a single supplier contract will help us reduce costs by reducing the need to tender each and every scheme

- The tender process will ensure that the equipment is fit and suitable for each scheme.
- Sustainable and simply resourced play equipment, spares and replacements form part of the tender.
- The provider will provide assistance in carrying out consultation where necessary to ensure the scheme best meets the needs of the community.
- This will reduce delays in the delivery of schemes citywide.

Recommendations

- a) The Chief Officer for Parks and Countryside is recommended to note the content of this report and approve the award of the following contract. Following the competition against Lot 2 of the Eastern Shires Purchasing Organisation's (ESPO) Framework Agreement (115) the intention is to award a single supplier for the supply and occasional installation of Outdoor Playground Equipment for the period of 1 year (31st March 2021 - 30th March 2022) with the option of a further 3 x 12 month extensions to Kompan Ltd. The estimated annual value of the contract is £150,000 based on their schedule of rates.

1. Purpose of this report

- 1.1 Contract Procedure Rule (CPR) 18.6 requires that a decision to award is made by the relevant Officer through the delegated decision process. The decision should outline why any tenderers were disqualified and the reasoning for the selection of the contractor.
- 1.2 The purpose of this report is to brief the Chief Officer on the outcome of the procurement exercise in sufficient detail as to demonstrate that a fair and transparent process has been followed.

2. Background information

- 2.1 The former process of purchasing fixed play equipment the Dynamic Purchasing System (DPS) ended over two years ago.
- 2.2 Since that time the service has been looking at various methods that will allow them to procure fixed play equipment in order to comply with CPR 18.6
- 2.3 After much debate and investigation the service decided that the best option was to conduct a further competition against Lot 2 of the Eastern Shires Purchasing Organisation's (ESPO) Framework Agreement (115) with the intention of awarding to a single supplier for the Supply and Occasional Installation of Outdoor Playground Equipment.

3. Main issues

- 3.1 The ESPO Framework is due to expire on the 31st of March 2021

- 3.2 As such it is imperative that we appoint the successful contractor prior to the 31st of March 2021. It should be noted that call-off contracts made against the ESPO Framework prior to its completion date, may supersede the end date of the Framework.
- 3.3 This is so that the service may take advantage of the ESPO Framework, its terms and conditions and that the checks on the suppliers that have been carried out.
- 3.4 All 9 suppliers appointed to Lot 2 of the ESPO Framework were invited to a restricted further competition containing a Leeds City Council specific specification and evaluation criteria.
- 3.5 Of the 9 supplier invited to tender only 1 bid was received and this was from Kompan Ltd. We were able to gather opt outs from a number of the other invited bidders who identified insufficient resources and being unable to fulfil requirements as the reasons for not bidding. Even though only 1 submission was received the evaluation panel still completed the full evaluation procedure, first evaluating Kompan's method statement submission which they passed and they were then invited to the second stage of evaluation and asked to provide a presentation to the panel. This included presenting design briefs for two Leeds City Council schemes along with providing information on a previous scheme Kompan had provided for another Council.
- 3.6 Kompan Ltd were successful in passing all quality thresholds of the first and second stages of evaluation. Their pricing was then assessed and deemed to be acceptable.
- 3.7 Following the evaluation process the evaluation panel feel confident in Kompan's ability to fulfil the contract and to be able to provide equipment/design that meets the needs of users, is robust, and provides a good degree of play value, comprehensive range of equipment and a good variety of play quality.
- 3.8 Furthermore the service needs to establish an approved method of procuring fixed play equipment to ensure that it complies with financial and procurement regulations.
- 3.9 Using a single supplier for the supply and occasional installation of fixed play equipment will help save both time and money in the delivery of projects and schemes for the service and the city as a whole.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Consultation with the executive member for the service has been undertaken.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 Delivery of new and refurbished playgrounds has been the subject of an EIA previously as has the use of s106 monies and grant funding.
- 4.2.2 It is understood that all our play schemes endeavour to be as inclusive and accessible as possible whilst offering risk and challenge to all children. Play areas are to encourage a broad range of play experiences including, social, creative, imaginative and physical opportunity to support and developmental skills,

understanding risk and physical development as such schemes need to balance both risk, challenge and inclusivity wherever possible.

- 4.2.3 Play area's do not discriminate against race or religion and endeavour to build good community links through play.

4.3 Council policies and the Best Council Plan

4.0 Council Policies and City Priorities

- 4.1 The most relevant Vision for Leeds III (2011-2030) ambition is to have high quality buildings, places and green spaces, which are clean, looked after, and respect the city's heritage, including buildings, parks and the history of our communities by 2030.

- 4.2 By 2030 Leeds aims to

- Address neighbourhood problem sites; improve cleanliness and access to the quality of green spaces.
- Improve the quality and sustainability of the built and natural environment

- 4.3 On 22nd August 2007, through revisions to the council's capital strategy, executive board resolved that, where there are funding requirements for pre-determined priority works to community parks, play areas and sports pitches, any available S106 funds should be used where such works are legally eligible within the terms of the legal agreement.

Climate Emergency

- 4.3.1 The use of sustainable materials are paramount for the service and these will be a major part of the tender process.

- 4.3.2 Where possible tree planting will be considered for each scheme to help the councils commitment to the Climate Emergency and support in the councils ambition to be carbon neutral by 2030.

- 4.3.3 The evaluation criteria used requires the contractor to show consideration for social value in their own operations and challenges them to make improvements to their impact over the life of the contract.

4.4 Resources, procurement and value for money

- 4.4.1 The use of a single supplier for the delivery of all our new, existing play schemes will help save the authority money by:

- Reducing lengthy evaluation process of the tenders for each scheme
- A single delivery of play area plans
- Support with local consultation

- 4.4.2 As stated in the Approval to Procurement report in terms of evaluation we used an 80:20 split – with the emphasis being on quality rather than price. This is because in most cases the funding is secured from a number of sources including developer contributions (s106) and grant funding – meaning the budget is set ahead of going out to tender.

4.5 Legal implications, access to information, and call-in

- 4.5.1 Officers from Procurement and Commercial Services have been consulted throughout this tendering exercise and as such all legislative requirements surrounding Public Procurement have been adhered to.
- 4.5.2 This decision to award the contract is made in compliance with the Delegated Decision Process.
- 4.5.3 This is a Significant Operational Decision, as it is a direct consequence of a previous Key Decision.

4.6 Risk management

- 4.6.1 A full tender evaluation of the tender returns for the contract was undertaken to mitigate against any risk in engaging with a single supplier.
- 4.6.2 The actual tender process was in three stage's
 - Step A evaluation of the written submission from companies
 - Step B Presentation from companies to the board to allow them to understand the design rationale, get a flavour of the equipment and how they worked with their client to deliver the scheme.
 - Step C feedback from the parks manager in respect of the third design – a recent project delivered by Kompan Ltd.'s.
- 4.6.3 The contract has included a clause that allows the authority to purchase equipment if so required following consultation with community group's from an alternative supplier, in the event that the selected supplier cannot meet the specific requirements of that scheme /community needs.

Any handling charges have been agreed and set for the duration of the contract.
- 4.6.4 The contract is for one year – with the possibility of extending for a further 3 x 12 months, if the contact proves successful.
- 4.6.5 However it allows the contract to be terminated at the end of year one if the service does not feel they are securing best value or if the contractor does not meet the needs of the service.

Conclusions

- 4.7 A fair and open procurement process has been conducted to appoint a single supplier for the delivery of play equipment for Leeds,
- 4.8 The outcome of the procurement recommends awarding the contract to Kompan Ltd

5. Recommendations

- b) The Chief Officer for Parks and Countryside is recommended to note the content of this report and approved the award of the following contract. Following the further competition against Lot 2 of the Eastern Shires Purchasing Organisation's (ESPO) Framework Agreement (115) the intention is to award a single supplier for the supply and occasional installation of Outdoor Playground Equipment for the period of 1 year (1st March 2021 – 28th February 2022) with the option of a further 3 x 12 month extensions to Kompan Ltd. The estimated annual value of the contract is £X based on the schedule of rates.

