

Tender evaluation report for approval to award the Lotherton Hall adventure playground design and build contract (ref 79856)

Date: 28th May 2024

Report of: Parks Technical Manager

Report to: Chief Officer for Climate, Energy and Green Spaces

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Appendix 1 should be designated exempt from publications in accordance with Access to Information Procedure Rule 10.4(3).

Brief Summary

- This report outlines the evaluation of the Lotherton Hall, Lotherton Hall, Off Collier Lane, Lotherton Lane, Aberford, Leeds, LS25 3EB (“Lotherton Hall”) adventure playground tender submissions and seeks to gain approval for Leeds City Council (“The Council”) to award the contract to Greenspan Projects Ltd (“The Contractor”).
- This contract is for the design and build of a new, flagship adventure playground at Lotherton Hall with the aim of improving the family visitor offer at the site, adding to the cultural offer of the city and matching the quality of play facilities provided by similar attractions across the region and beyond.

Recommendations

It is recommended that the Chief Officer for Climate, Energy and Green Spaces (“Chief Officer”):

- a) Approves the award of a Joint Contracts Tribunal (“JCT”) Pre-Construction Services Agreement (“PCSA”) (stage 1 contract) for the design activity of a new adventure playground at Lotherton Hall to Greenspan Projects Ltd. The contract is for a period of 6 months from 17th June 2024 until 16th December 2024 at a value of £7,475K.
- b) This will allow the Council to work with the Contractor to develop the design and tender sum for the full works leading to the proposed award of a contract referred to at c below.
- c) Recognises that Appendix 1 should be designated exempt from publications in accordance with Access to Information Procedure Rule 10.4(3).

- d) A subsequent report seeking approval to award the stage 2 construction contract for the playground is expected requiring a decision in late autumn/winter 2024.

What is this report about?

- 1 This report provides details of the tender evaluation process and seeks approval from the Chief Officer to award the JCT PCSA (Stage 1 contract) for the design of an adventure playground at Lotherton Hall.
- 2 This report is a direct consequence of the original authority to procure (being a Key decision) published on 10th August 2023 (reference D56690). This approved the injection of and the authority to spend £850,000 along with the procurement strategy to procure a contractor as part of a 2-stage procurement for the design and build of the playground via a restricted tendering process.
- 3 A tender was published on the 7th December 2023 on the YORtender portal with 7 contractors invited to bid. The tender closed on 14th February 2024.
- 4 The tender was evaluated using a 70% quality/30% price approach with 700 points allocated to quality and 300 points to pricing. Tenderers were required to pass minimum quality thresholds applied to 4 key technical questions and an overall points threshold of 50%. In the tender it was made clear that only tenderers who passed the quality thresholds would be taken through to the next stage to have the pricing submission evaluated. The points attained by each tenderer for both quality and price was added together and the highest scoring compliant tenderer was considered for award.
- 5 In total, 4 contractors submitted tenders. Tenders were quality assessed by an evaluation panel made up of 2 officers from within the Parks and Estates team in Green Spaces. The price assessment was carried out by the Quantity Surveying team from NPS Leeds Limited (a joint venture partner of the Council).
- 6 Of the 4 tenders evaluated, 3 failed to meet the minimum quality thresholds. Therefore only 1 tender submitted by Greenspan Projects Ltd had their pricing submission evaluated.
- 7 The details of the outcome of the scoring are outlined in the table below.

Bidder	Quality Score	Price Score	Total Points	Rank
Greenspan Projects Ltd	512.50	300	812.50	1 st
Bidder B	Failed	Not scored	-	N/A
Bidder C	Failed	Not scored	-	N/A
Bidder D	Failed	Not scored	-	N/A

- 8 Of the failed tenders, 2 out of 3 failed to achieve the minimum threshold on 1 question, and the third tenderer failed to achieve the minimum overall threshold.
- 9 This is a 2-stage design and build contract. The Contractor has been successful in their tender proposal and will be offered the opportunity to enter into the stage 1 PCSA with the Council to work to the Royal Institute of Architects (“RIBA”) stage 4 – technical design.
- 10 The Council’s Green Spaces team will work with the Contractor to design the new playground, submit a planning application and consider the construction costs.
- 11 Once agreement has been reached as to design and costs, and subject to planning permission, a decision will be sought from the Chief Officer to approve the final design and costs. In order to do this, a formal tender will be brought in for stage 2 and subject to approval, will be awarded as

a formal contract for construction works.

What impact will this proposal have?

- 12 The aim of this project is to create a playground that recognises and complements the natural and historic environment of the Lotherton estate. The intention is to have a quality design that is in keeping with the site, that is a talking point and destination venue for visitors to the estate offering an exciting, fun, and inclusive experience for children of all ages, interests, backgrounds and abilities. It is important to ensure the design of the playground complements the natural environment of Lotherton Hall and fits in with the historic landscape of the estate.
- 13 The playground is intended to improve the family visitor offer at Lotherton Hall and contribute to an ongoing programme of investment works at the site to ensure visitor numbers and related income are maximised and retained.
- 14 It is anticipated that the improved play facilities will increase visitor numbers, length of stay and additional secondary spend in the café and shop at the site which will also have a positive impact on income.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 15 The proposal impacts Health and Wellbeing by helping ensure children in all areas of the city enjoy a healthy, happy and friendly childhood. The playground design will be accessible and inclusive so children of all ages, backgrounds, interests and abilities can enjoy playing together.
- 16 It contributes to the Inclusive Growth ambition by providing culture in our communities as a vital asset for a sustainable future for the city.
- 17 In terms of Zero Carbon, as far as is possible, the intention is the playground will be constructed out of sustainable materials and its design and construction will ensure it has minimal impact on the local environment. Woodlands and nature will be promoted to young visitors via the location, construction and theming of the playground.
- 18 As part of their tender submission, the Contractor has committed to delivering Social Value Themes, Outcomes & Measures (“TOMs”) which include making monetary donations to environmental conservation initiatives and the hosting of site visits for local school children. These will be monitored throughout the contract by the Council to ensure the outcomes are achieved.
- 19 All stakeholders are aware of the critical need to reduce our impact on the planet as per the declaration of the Climate Emergency, therefore the Contractor will be required to commit to do their part in reducing climate impact as part of their operations.

What consultation and engagement has taken place?

Wards affected: Harewood

Have ward members been consulted?

Yes

No

- 20 Consultation has taken place with the Council’s Procurement and Commercial Services Legal Team along with the Construction and Housing Procurement Team to ensure the procurement process that has been undertaken and subsequent contract are compliant.
- 21 Ward members were consulted for the original decision to install a new playground at Lotherton but have not been involved in the details of the procurement process.

22 A collaborative approach to designing the playground, including working with colleagues from the Council's Museums and Galleries service based at Lotherton, along with a public consultation at the early stages of the design process, will be undertaken to ensure the finished playground is suitable and will be enjoyed by all.

What are the resource implications?

23 The purchase and installation of play facilities and related items (such as paths, safety surfacing and benches) will have a capital cost of £850,000 (£650,000 on construction and £200,000 on associated fees e.g., design, surveys, specifications, quantity surveying, etc.). As per paragraph 2 above, the injection of and authority to spend this sum has already been obtained as part of the capital programme.

24 The contract will be managed throughout all stages by the Council's Climate, Energy and Green Spaces department with support from NPS Leeds Limited. As part of the Council's design joint venture, NPS Leeds Limited will work with the successful contractor appointed at stage 1 to develop the stage 2 tender, working towards a scheme that can deliver in line with the approved construction budget.

25 The award report for the construction stage 2 tender will be subject to a separate report which is anticipated in or about autumn/winter 2024.

What are the key risks and how are they being managed?

26 Risks of procurement challenges are present in any procurement that is undertaken. To manage this, a fully compliant and transparent tender process has been carried out in line with the Council's Contract Procedure Rules.

27 Due diligence has been completed regarding the proposed contractor with relevant vetting carried out to obtain technical references from previous works of a similar nature, financial checks and due diligence on Health & Safety and Safeguarding. Records are stored on the Council's file for audit purposes.

28 As part of contract management, contractor performance will be monitored and managed in line with the contract terms by the Council.

What are the legal implications?

29 This is a Significant Operational Decision ("SOD") as a direct consequence of the original authority to procure (Key decision) published on 10th August 2023, and is not eligible for call in. Other than Appendix 1 – Tender Analysis Report, there are no grounds for keeping the contents of this report confidential under the Access to Information Procedure Rules.

30 This procurement has been undertaken in compliance with the Council's Contracts Procedure Rules. The tender has been evaluated in accordance with the evaluation criteria set out in the tender documents. Following the tender evaluation, the successful contractor has been identified as Greenspan Projects Ltd.

31 The information in Appendix 1 of this report has been identified as exempt/confidential under the Access to Information Rules 10.4(3). The public interest in maintaining the exemption in relation to the confidential appendices outweighs the public interest in disclosing the information and financial details which, if disclosed would adversely affect the business of the Council and the business affairs of a number of individual companies.

Options, timescales and measuring success

What other options were considered?

- 32 The option not to invest in the playground was considered, but it has been determined that it is important to continue to invest in Lotherton Hall to retain and hopefully enhance both visitor numbers and related income. A new playground is the priority for investment at this stage to bring the estate play provision in line with other, similar visitor attractions in the region.
- 33 With regards the contract award, 4 contractors submitted tenders which were considered through a comprehensive tender evaluation process, and it was found that 3 of those failed to meet the minimum quality thresholds so the contract was awarded to Greenspan Projects Ltd who met both the quality and cost requirements.

How will success be measured?

- 34 A popular new playground will be delivered at Lotherton Hall within budget.
- 35 Social Value outcomes will be monitored throughout the contract and success will be reported through the Social Value Engine.

What is the timetable and who will be responsible for implementation?

- 36 The Parks Technical Manager will be responsible for implementation with the following indicative timescales:

PCSA award	June 2024
Design period	June 2024 to December 2024
Planning application	September to December 2024
Construction award	December 2024
Construction Completion	July 2025

- 37 The process of getting planning permission may impact on the timescales depending how long it takes.

Appendices

- Appendix 1: Tender Analysis Report (confidential)

Background papers

- Authority to procure report: <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?Id=56690>