

**Wards Affected:**

Stantonbury, Hanslope Park

**AWARD OF CONTRACT - HARD LANDSCAPING PHASE 1 WORKS, STANTON LOW COUNTRY PARK (REF:CU2339)**

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**Executive Summary:**

This report is seeking approval to award the contract for the provision of phase 1 hard (paths) landscaping works at Stanton Low Country Park.

Stanton Low Country Park was given planning approval in 2006 as part of the Stantonbury Park housing development. A legal agreement with the developers provides for the transfer of the Country Park land to the Council, with s106 funding for the implementation and management of the park. The contract is key to the delivery of Stanton Low Country Park.

The contract term:

- is for the completion of the works. The total value of this contract is c £165,000.

CPC previously agreed that the tender could progress on 5 February 2013.

**1 Recommendation(s)**

- 1.1 That the contract for the Phase 1 hard landscaping works be awarded to the bidder who has scored the highest in accordance with the Most Economically Advantageous Tender (MEAT) evaluation (Annex).
- 1.2 That any recommendation to extend this contract is bought back to this committee for a decision in good time.

**2 Context**

- 2.1 The contracted works will affect the wards of Stantonbury and Hanslope Park.

**3 Background****3.1 Decision to Proceed to Tender**

- 3.1.1 This procurement was considered by Capital & Procurement Review Panel (C&PRP) on 12 February 2013. This procurement was approved to proceed to Tender by CPC on 5 February 2013 and is consistent with Council's policy.

**3.2 Consultation**

3.2.1 The specification and evaluation criteria for this contract were developed following consultation with the following key stakeholders:

- The Milton Keynes Parks Trust

### 3.3 Market engagement and lessons learned

3.3.1 Before this tender commenced there was a period of market engagement to estimate the likely cost of our requirement. Several tender inquiries were received from contractors tracking the planning permission for the park. Estimates were prepared based on rates applied to other contracts.

3.3.2 Lessons were learned from past projects to use one contractor for hard landscaping and one contractor for soft landscaping, as this has previously resulted in a subcontractor being responsible for a large proportion of the contract, which can be more expensive and cause problems with control. For this reason, the hard and soft landscaping has been split into two contracts. The soft landscaping contract will be tendered shortly.

### 3.4 Tender Evaluation

3.4.1 The contract was advertised on the Council's E-Tendering system on 18 February 2013 and four tenders were returned on 4 March 2013.

3.4.2 The Tenders were evaluated by a suitably qualified and experienced panel of officers including Chartered Landscape Architects within the Urban Design and Landscape Architecture section and consultation with the Head of Landscape Strategy and Development from the Parks Trust.

3.4.3 The Evaluation criteria and scores for all tenders are attached at the Annex. A summary of the Risk Assessment is set out in section 4.2. The full risk assessment is available to Members on request or via direct access into GRACE.

3.4.4 The MEAT evaluation of tenders resulted in the following results.

	Quality score (40%)	Price score (60%)	Total score	Ranking
Company A	0	0	0	-
Company B	25.3	56.73	82.03	2
Company C	20.7	55.33	76.03	3
Company D	31.65	60.00	91.65	1

3.4.5 Company A failed to submit the required information in the brief and there tender is therefore non compliant. The prices received are higher than the original value in the approval to tender report. Although, all prices are close in relative terms and therefore are competitive with current market conditions.

### 3.5 Contract Management

3.5.1 The Senior Client Officer for this contract is a Chartered Landscape Architect. The contract adheres to the Council's Joint Contract Tribunal terms and conditions as maintained by the Council's Legal Services team.

3.5.2 The key governance processes include:

- Frequency of meetings - Minimum weekly on site meetings with the contractor to inspect works in progress
- Performance measures - Sign off points when works are inspected, e.g. the sub base – is it deep enough, the correct material etc, such works must be approved before they are covered up.
- The Landscape Architect is available by mobile phone and can promptly visit the site should a problem arise, in order that we can provide direct instruction to resolve any issues.
- Snagging and hand over meetings are arranged with the contractor, to highlight any sub-standard works to be rectified before handover.
- Invoices are authorised only following the inspection of the works and final accounts are only authorised if all remedial works are completed to our satisfaction.
- Escalation process – Should the contractor fail in his duties he is bound by the JCT signed contract which has several processes identified to resolve any significant issues. Worst case the contractor takes the decision to / or is asked to leave the site in a partially constructed state. In this instance no payments will have been made and a new contractor would be appointed to complete the works.

## 4 **Implications**

### 4.1 Policy

4.1.1 The award of this contract will progress the following outcomes within the Corporate Plan 2012-16:

- Visiting MK
- Working in MK
- Living in MK
- World class MK
- Cleaner, greener, safer and healthier MK

4.1.2 The implementation of Stanton Low Country Park will be accordance with the adopted Open Space Strategy (2007).

4.1.3 The procurement of this contract has complied with Contract Procedure Rules, Financial Regulations and applicable European Procurement Regulations.

#### 4.2 Resources and Risk

4.2.1 The costs of the contract are already contained within the capital project budget of £2.3m for the implementation and management of the park. Spend approval for the implementation of the capital works has been given.

4.2.2 The Risk Assessment for this contract is included on GRACE.

4.2.3 The key opportunity secured by this contract is the implementation of the country park for the benefit of residents in Milton Keynes. It is assessed that the delivery of this contract provides a high Likelihood that a medium Impact will secure the opportunity defined.

4.2.4 The key THREATS for this contract have been assessed as:

<b>Risk</b>	<b>Likelihood</b>	<b>Mitigation</b>
Contract not robust or clear enough to deliver the outcomes expected	L	Walk over meetings for agreement of the understanding of the specification.
Insufficient resource in contract management	L	Resource identified internally.
Land transfer to Milton Keynes Council	L	Transfer agreed, awaiting revised plan. Then signature will complete the transfer.

The governance measures set out in 3.5 above provide a basis to conclude that these threats, properly managed represent a low likelihood or a medium impact.

Asset Management: The s.106 land will be transferred to the Council by Persimmon Homes in early 2013. The contract will not be awarded until the land has transferred to Milton Keynes Council.

Y	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	Y	Asset Management

#### 4.3 Carbon and Energy Management

The tender considered the Council's Carbon Energy Management Policy in preparing the specification, and within the evaluation criteria.

#### 4.4 Legal

The Contract and its procurement are compliant with Council Constitution, UK and European Laws. The contractor will be appointed under a Joint Contract Tribunal contract.

#### 4.5 Other Implications

*Stakeholders:* Residents were given the opportunity to consider the reserved matters planning application (11/02756/REM), of which this hard landscaping works contract are a part of.

*Sustainability:* The new Country Park would need to be developed and managed in a sustainable way and this requirement would form an integral part of any future plans for the site. Environmental initiatives and impacts will have been considered in the tender evaluation.

*Equalities:* Equality considerations have been taken into account in the preparing the specification (such as the width of footpaths for wheelchair use).

*E-Government:* E-procurement was used with the Council's Intend system.

Y	Equalities/Diversity	Y	Sustainability	N	Human Rights
Y	E-Government	Y	Stakeholders	Y	Crime and Disorder
Y	Carbon and Energy Policy				

Background Papers: Decision to Proceed to Tender 3 February 2013

Annex : Most Economically Advantageous Tender (MEAT) evaluation