



**OPENNESS AND TRANSPARENCY REGULATIONS 2014**

**RECORD OF OFFICER DECISION TAKEN UNDER DELEGATED POWERS**

TITLE OF OFFICER TAKING DECISION	Town Clerk
NATURE OF DECISION	<p>At the Play Areas Project Steering Group Committee meeting held on 20 April 2016, delegated powers were granted to the Clerk working in conjunction with the Estates Supervisor and Estates Support Officer, to select and proceed with the most suitable play area scheme for St Mary's Play Area, providing it is within brief and budget. This was resolved at the Full Council meeting on 17 May 2016.</p> <p>Proposals were sought and received from 9 play area providers. During the summer recess period, a report outlining Officers Recommendations was circulated to members of the Play Area Projects Steering Group Committee.</p> <p>The following decisions were taken in line with the delegation granted:</p> <ul style="list-style-type: none"> <li>• Proludic be appointed contractor to supply their proposal for £65,500.00 on the basis it offers the most play value and best value for money, whilst meeting the brief;</li> <li>• A financial check was undertaken on the contractor and was deemed satisfactory;</li> <li>• The project retention be set at 5%, decreasing to 2.5% on practical completion with the remaining 2.5% held for 6 months, or until all defects are satisfactorily remedied.</li> <li>• A JCT Minor Works Contract be used as the form of contract, incorporating the project retentions set out above. The contract has been checked by the Town Council solicitor prior and is currently with Proludic for review;</li> <li>• Confirmation of an installation date and anticipated completion date is awaited.</li> </ul> <p>This was reported to Full Council on 6 September 2016 and dates confirmed as starting 31 October (after half-term) . ending 2 December 2016.</p>

DATE ON WHICH DECISION TAKEN	Contract formally awarded on 06/09/2016
REASONS FOR DECISION	Proludic be appointed contractor to supply their proposal for £65,500.00 on the basis it offers the most play value and best value for money, whilst meeting the brief.
DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	8 other schemes were submitted for consideration. None could match the Proludic scheme in terms of play value provided or value for money.
<p>DETAILS OF ANY REPORT (INCLUDING BACKGROUND PAPERS) CONSIDERED IN REACHING THE DECISION.</p> <p>[NOTE: ANY RELEVANT DOCUMENTATION NOT DISCLOSING CONFIDENTIAL INFORMATION SHOULD BE ATTACHED TO THE DECISION NOTICE.]</p>	Synopsis report which was sent to members is below.

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## St Mary's Play Area Refresh Project

### Overview of Officer Recommendations

#### Overview

The Minutes of the Play Area Projects Steering Group Committee Meeting held on Wednesday 20<sup>th</sup> April 2016 **RECOMMENDED** the following:

- *Draft project be approved subject to the following amendments:*
- *Removal of the vehicle access gate requirement;*
- *Removal of the items regarding painting the remaining equipment – these should be done in house and charged to the project;*
- *Financial provision be made within the grant funding for the signage to be re-done in line with Yate Town Council new signage guidelines;*
- *Ensure a project management fee is calculated and applied to cover Officer time developing this project;*
- *Tender proposals may be sought from interested play area providers;*
- *Delegated powers be granted to the Clerk working in conjunction with the Estates Supervisor and Estates Support Officer to select and proceed with the most suitable scheme providing it is within brief and budget;*
- *Aim to get the play area refreshed by the end of the Summer 2016.*

#### Update

To **NOTE** that South Gloucestershire Council advised we would not be able to claim any internal officer time under the terms of the New Homes Bonus funding offer (£70,000). All other recommendations made above were incorporated into the design brief.

Contractors were given a budget of £65,500 to come up with their proposals (leaving £4,500 to pay for new signage, new bins and paint and the post installation inspection if not included in the proposal etc.)

#### Proposals Vs Tenders

Officers decided not to undertake a formal tender process, instead, inviting play providers to submit proposals / quotations.

- Yate Town Council Financial Regulations state:

#### *11.1(e) Contracts*

- (b) *Where the supply of goods, supply of services or the execution of works will have an estimated value exceeding £60,000, tenders shall be sought in accordance with sub-clause (i) below except where the goods, services or works to be supplied are unique to the supplier in which quotations will be obtained and product information from at least three suppliers of similar goods sufficient to enable informed judgement as to the best value offered in terms of price, quality, delivery, after sales service and suitability for the intended purposes.*

Officers felt that the design portion of the brief, which asked the play provider to come up their unique bespoke ideas, met the criteria of 'unique to the supplier' in each case.

Several play contractors indicated they would be interested in preparing a proposal, so meeting the required minimum of three proposals would be achieved and timescales were also taken into account to come to this decision.

The brief was sent out to 10 contractors and published on the Government 'Contract Finder' website as an opportunity. A total of 9 proposals were received & all were within the specified budget. 7 of those received fully met the brief supplied.

All proposals were thoroughly reviewed and compared on the basis of play value and product suitability (taking into consideration improvements to DDA and environmental / aesthetic considerations and 'fit' with existing equipment), meeting the brief and value for money.

A shortlist was made up of the top three proposals, all of which are available to be viewed in the office at Poole Court if desired.

### **Officers Recommendation**

Officers **RECOMMEND** that the proposal from Proludic be selected, on the basis to offers the most play value and best value for money, whilst meeting the brief.

### **Proposal Overview:**

- Provision of 16 new items of equipment & resulting in 45 additional play opportunities (the best value for money overall of all the proposals);
- New equipment has been selected to ensure a balance of all the various play activities to include climbing, swinging, bouncing, balancing and sliding;
- Of all the proposals, this offers the greatest degree of play opportunity for children with physical disabilities;
- This proposal offers a balance of exciting new play equipment on the bank, whilst also enhancing and complimenting the existing play area;
- Yate Town Council have experience of working with Proludic & they are a long established company and we have found them to have good customer and after sales service.

### **What is in the proposal?**

A brief synopsis of the proposal is below:

- Removal of existing concrete slide for the mound. Addition of a tarmac path across the brow of the mound to provide access to the new features. These include a range of play opportunities around the bank, including 2 new bank slides, a balance trail, climbing units, roped climbing elements and sleeper trails;
- Update existing swings by replacing the cradles;
- Replace swingabout unit with a new Hurricane Swing in existing footprint (with extensive drainage work to the bark pit included in the proposal);
- Replacement of safety surfacing;

- Fitting of 2 self-closing gates on entrances;
- Replace roundabout with new inclusive roundabout and replacement of safety surfacing;
- Log steppers, trampoline, Animal Labyrinth (play board) and rotating climber are also included;
- Goal end with tarmac pad.

### **Goal End with Hoop**

The inclusion of a goal end was something the play company decided to include ó it was not included in the brief.

Upon visiting the existing play area at peak times (after school), the provider noted that the area of most use was a makeshift goal made between 2 trees at the back of the park. This is causing significant wear to the ground, so for this reason, a tarmac pad and goal end with basketball hoop have been included.

A goal was the second most requested piece of equipment by the children we spoke to during the consultation undertaken at St Mary's School (after a trampoline).

Some discussion has taken place between Officers as to whether the addition of a goal end would encourage older children to congregate in the play area (the remit given was to increase play opportunities for children up to 11). Consideration was also given to the proximity of this goal end to existing facilities (namely West Yate and Tyndale). Does the inclusion of a goal end at St Mary's duplicate facilities available elsewhere?

On balance, Officers feel that because this area is being used as a goal anyway, which can get very wet and muddy and damage the trees, this would be a welcome addition to the play area.

There is clearly a desire for this item from the facility users at St Mary's, as the makeshift goal demonstrates.

Because it would be located in the open and is not seating or similar, Officers feel it is unlikely to encourage any unwanted behaviour.

### **Type of Contract**

Officers feel that placing a regular purchase order does not offer Yate Town Council adequate protection against a £65,000 outlay.

Item 11.1(m) of our Financial Regulation states that a contractor financial check or performance bond isn't required unless members wish to overrule this:

- (b) Performance Bonds and financial checks – Where a contract is estimated to exceed £100,000 in value or amount and is for the execution of works (or the supply of goods or materials by a particular date or series of dates) the Council shall consider whether they require security for its due performance and shall either certify that no such security is necessary or, in consultation with appropriate officers, shall specify in the conditions of tender the nature and amount of security to be given. In the latter***

*event, the Council shall require and take a bond or other sufficient security for the due performance of the contract. A financial check must be made against the selected contractor prior to the contract being awarded.*

Informal advice has been sought from Alison Brown, Landscape Architect (working on our other play projects) regarding the type of contract we should use.

She has advised that we have 2 options:

1/ If it were her, she would draw up a basic contract with the contractor for this project (ensuring to include agreement of a retention figure to be paid 6 months after completion). This is due to the comparatively low project value and also because the landscaping portion of the proposals is fairly minimal (she explained that when the proposal is mostly for the supply and installation of equipment, as in this case, rather than building anything new, the project is more straightforward);

2/ Enter into a JCT Minor Works Contract (costing approximately £30 plus VAT). This would provide an industry standard framework offering a greater degree of protection.

In either case, the documentation would need to be completed in house in conjunction with the appointed contractor and checked by our solicitor (cost TBC but we do have £4,500 contingency in the pot to cover unexpected costs like this).

This would likely take a few weeks and may delay the play provider putting the play items into production until the contract is agreed and signed off.

On balance, Officers **RECOMMEND** that a JCT Minor Works Contract be used and checked by the Town Council solicitor.

### **Timescale**

Proludic would be able to start the works within 6-8 weeks of an order being placed/ contract being signed.

It is assumed that Members would not want the play area to be closed during the summer holidays, but for work to commence after children have returned to school (late September onwards) ó but please instruct us if this is not the case.

It is highly likely that due to the works planned, the whole site will need to be closed whilst the refurbishment is taking place. The estimated time for the works is around 2 weeks.

In the light of the above, it is **RECOMMENDED** that 3<sup>rd</sup> October 2016 be the target start date, with 14<sup>th</sup> October 2016 set as the target end date (weather dependent). This would mean the play area would be re-open for the October half-term school holidays.

### **Next Steps**

To summarise, officers **RECOMMEND** the following way forward:

1/ Proludic be appointed contractor to supply their proposal on the basis if offers the most play value and best value for money, whilst meeting the brief;

2/ That a JCT Minor Works Contract be used as the form of contract for these work and this document, once completed, should be checked by the Town Council solicitor;

3/ 3<sup>rd</sup> October 2016 be the target start date, with 14<sup>th</sup> October 2016 set as the target end date (weather dependent). This would mean the play area would be re-open for the October half-term school holidays.

Other considerations Members may wish to take into account:

- Would Members like to consider any of the other proposals received?
- Do Members desire to consult with members of the public about the schemes proposed (by Proludic or otherwise)?
- If Proludic is to be appointed, do Members desire to revise the proposal in any way at this stage?
- Although Item 11.1(m) of our Financial Regulation states that a contractor financial check or performance bond isn't required, do members wish to overrule this once a contractor is appointed?