



Oversight and Governance

Chief Executive's Department

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Delegated Decisions

Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every week and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrqll6>

Notice of call-in for non-urgent decisions must be given to the Democratic Support Unit by 4.30 pm on Thursday 4 November 2021. Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The non-urgent decision detailed below may be implemented on Friday 5 November 2021 if it is not called-in.

Delegated Decisions

I. Councillor Nick Kelly, Leader of the Council:

- I.1. Improving Outdoor Play in Plymouth Phase 3
- (Pages 1 - 26)

EXECUTIVE DECISION

made by a Cabinet Member



REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – L19 21/22


Decision	
1	Title of decision: Improving Outdoor Play in Plymouth Phase 3
2	Decision maker (Cabinet member name and portfolio title): Councillor Nick Kelly - Leader of the Council
3	Report author and contact details: Zoe Sydenham T: 01752 307849 E: zoe.sydenham@plymouth.gov.uk
4	Decision to be made: To award a contract to provide outdoor play equipment following a competitive tender process undertaken via ESP Framework Agreement – I15_21 Outdoor Playground, Fitness & Sports Facilities and Equipment
5	<p>Reasons for decision:</p> <p>The Covid 19 epidemic has resulted in children and young people having to deal with the social and mental disruption of long period of time with no formal schooling as well as reduced opportunities for outdoor play and sport. Research shows that children who play outdoors and in particular have access to nature, regularly become fitter and leaner, develop stronger immune systems, have more active imaginations, lower stress levels, play more creatively and have greater respect for themselves and others.¹ This is recognised in The Joint Local Plan where high quality local play spaces are deemed as ‘crucial to delivering the City’s health outcomes’.</p> <p>This Phase 3 proposal continues from Phase 1 and 2 to deliver a citywide capital works programme to PCC owned play spaces to significantly improve the quality of outdoor play space provision across the city. As part of the evidence gathering for the Joint Local Plan, the Plymouth Play Assessment 2017 showed that only 26 out of 126 outdoor play spaces were rated as very good to excellent with 29 rated as poor or very poor. By the end of March 2022, completion of Phase 3 will contribute to ensuring Plymouth City Council’s maintained play spaces are rated good or excellent quality with a high level of ongoing maintenance and regular assessment built in.</p> <p>If Phase 3 is not done, the number of poor quality play spaces will only increase as they go further into decline with health and safety implications. This could have an additional negative health impact on children and young people - in particular in more deprived areas and lead to a</p>

¹ Benefits of Connecting Children with Nature: Why naturalize outdoor learning environments’ The Natural Learning Initiative January 2012 www.naturalelearning.org

	higher cost to the Council in the longer term.		
6	Alternative options considered and rejected: Option 1: Do Nothing. Do Nothing - This would mean no additional investment in our play spaces and a further deterioration in quality of those not improved in Phase 1 and Phase 2. This would lead to increased funding required in the future to address the declining situation of play parks, with potential health and safety implications and closure. Option 2: Deliver capital works only to those play spaces which secure S106 funding. There is very limited S016 currently available for Play. This would lead therefore to the same decline in poor quality play parks as option 1. Option 3: Proceed with Phase 3 delivery of additional capital works programme to PCC owned play spaces which enable us to provide citywide access to good quality play spaces for children and young people. The preferred option is Option 3 This will ensure additional Plymouth City Council managed play areas achieve a good/very good or excellent quality assessment by March 2022.		
7	Financial implications and risks: The ESPO framework used in the tender process ensured companies that tendered would provide value for money and minimise financial risk. During the evaluation process, Kompan Ltd offered the best value and least risk.		
8	Is the decision a Key Decision? (please contact Democratic Support for further advice)	Yes <	

		<p>Caring: The approach to collaborative working to achieve the play enhancements will empower communities to be involved in decision making and the delivery of the improvements. The health benefits of accessing outdoor play and the natural environment are well documented. The project will build on existing work to remove physical and perceptual barriers to accessing play outdoors and will encourage community members to become more actively involved in their local site.</p> <p>Revenue budget: By investing in upgrading poor quality sites, the decision will lessen the pressure on future revenue maintenance costs of the playground maintenance team.</p>		
I 0	Please specify any direct environmental implications of the decision (carbon impact)	<p>This programme of works aligns with and supports the delivery of the Plymouth Climate Emergency Action Plan by delivering a programme of works that supports high quality local facilities within walking/cycling distance of people's homes.</p>		
Urgent decisions				
I 1	Is the decision urgent and to be implemented immediately in the interests of the Council or the public?	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	x	(If no, go to section I 3a)
I 2a	Reason for urgency:			
I 2b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
I 3a	Are any other Cabinet members' portfolios affected by the decision?	Yes	x	
		No		(If no go to section I 4)
I 3b	Which other Cabinet member's portfolio is affected by the	Councillor Patrick Nicholson, Deputy Leader of the Council		

	decision?	Councillor Maddi Bridgeman, Cabinet member for Environment and Street Scene		
I3c	Date Cabinet member consulted	08/07/2021		
I4	Has any Cabinet member declared a conflict of interest in relation to the decision?	Yes		If yes, please discuss with the Monitoring Officer
		No	x	
I5	Which Corporate Management Team member has been consulted?	Name	Anthony Payne	
		Job title	Strategic Director Place	
		Date consulted	4.8.21	
Sign-off				
I6	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS64 21/22	
		Finance (mandatory)	djn.21.22.140	
		Legal (mandatory)	LS/37533/AC/28/10/21	
		Human Resources (if applicable)	NA	
		Corporate property (if applicable)	NA	
		Procurement (if applicable)	SB/PS/604/1021	
Appendices				
I7	Ref.	Title of appendix		
	A	Business Case		
	B	Equalities Impact Assessment		
Confidential/exempt information				
I8a	Do you need to include any confidential/exempt information?	Yes	x	If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is

		No	not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:			x				
Background Papers								
19	Please list all unpublished, background papers relevant to the decision in the table below. Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Cabinet Member Signature								
20	I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.							
Signature				Date of decision		25 October 2021		
Print Name		Councillor Nick Kelly, Leader of the Council						

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**PROCUREMENT GATEWAY 3 -
CONTRACT AWARD REPORT -
PART I - OFFICIAL**



**Outdoor Play Improvements
Phase 3 & 4**

**Procurement Reference No.
21232**

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1. INTRODUCTION

This report is in relation to the process undertaken and recommendation related to the award of Contract for Outdoor Play Improvements – Phase 3 & 4.

This contract will be executed under further competition conducted under ESPO Framework Agreement - 115_21 Outdoor Playground, Fitness & Sports Facilities and Equipment Call off Terms & Conditions and will run for the duration of the project.

Contract Duration: The intended duration of the contract is for approx. 18 months.

2. BACKGROUND

Building on work already carried out by Outdoor Play Improvements Phases 1&2, Plymouth City Council (PCC) is looking to appoint a suitably qualified and experienced supplier to deliver further improvements to our play provision within the city.

This initial tender seeks to improve the outdoor play offer across Plymouth through delivering capital improvements to approximately 10 sites between September 2021 and March 2022 as Phase 3.

The project value in this financial year equates to £335k.

There is potential to extend the contract to a further similar number of sites with additional funding of a similar value in 2022-2023 in a Phase 4. This is subject to availability and approval.

3. PROCUREMENT PROCESS

Following a procurement options appraisal, it was determined that undertaking a further competition tender exercise through the ESPO Framework Agreement - 115_21 Outdoor Playground, Fitness & Sports Facilities and Equipment was the most suitable option providing a quick, simple and competitive route to enable the works to begin as soon as possible.

4. TENDER EVALUATION CRITERIA

Overview of Process

A further competition was carried out via ESPO Framework Agreement - 115_21 Outdoor Playground, Fitness & Sports Facilities and Equipment. Suppliers have been assessed on their financial standing at the point of them joining the Framework. Suppliers have also agreed to the terms and conditions of the Framework.

Evaluation of the Tender exercise was undertaken in accordance with the overall evaluation strategy for the project.

The Council evaluated tender submissions which consisted of an assessment of the Tenderer's suitability in principle to meet the requirements of the Council as detailed in the ITT document. Only Tenderers passing this first stage had their Tenders evaluated at the second stage.

The award stage considered the merits of the eligible Tenders in order to assess which is the most economically advantageous. At award stage only technical, social value and pricing criteria that are linked to the subject matter of the contract were used.

Award Criteria and Methodology

Evaluation of Tenders

All responses were assessed against the Evaluation Criteria set out below:

EVALUATION CRITERIA	WEIGHTING
Price	5%
Quality	85%
Social Value	10%

A Tender may not have been accepted that significantly failed to satisfy any specific criterion, even if it scored relatively well against all other criteria.

In the event that evaluating officers, acting reasonably, considered that a Tender was fundamentally unacceptable on any issue, then regardless of the Tender's other merits or its overall score, and regardless of the weighting scheme, that Tender may have been rejected.

Price – 5% Weighting

Tenderers were asked to complete the Price Schedule within the ITT Document.

Tenderers' price scores were calculated based upon the lowest price submitted by Tenderers.

$$\left(\frac{\text{Lowest Total Tender Sum}}{\text{Tenderer's Total Tender Sum}} \right) \times \text{Weighting} = \text{Weighted score}$$

The Tenderer with the lowest price were awarded the full score of 5 [5%], with the remaining Tenderers gaining pro-rata scores in relation to how much higher their prices were when compared to the lowest price.

Table A – Price evaluation model

Example below shows maximum points available = 5 (5%)

Tenderer	Price	Calculation	Final Score
1	£100,000	100,000/100,000 x 5	5.00
2	£105,000	100,000/105,000 x 5	4.76
3	£117,500	100,000/117,500 x 5	4.26
4	£150,000	100,000/150,000 x 5	3.33

Quality – 90% Weighting

Tenderers were asked to provide a number of method statements within the Invitation to Tender document, which were intended to explain how they would meet specific requirements.

Each method statement was scored on a scale of 0 to 5 points, in accordance with the following scheme:

Response	Score	Definition
Excellent	5	Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement/outcomes and provides details of how the requirement/outcomes will be met in full.
Very good	4	Response is particular relevant. The response is precisely detailed to demonstrate a very good understanding of the requirements and provides details on how these will be fulfilled.
Good	3	Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements/outcomes will be fulfilled.
Satisfactory	2	Response is relevant and acceptable. The response addresses a broad understanding of the requirements/outcomes but lacks details on how the requirement/outcomes will be fulfilled in certain areas.
Poor	1	Response is partially relevant and poor. The response addresses some elements of the requirements/outcomes but contains insufficient/limited detail and explanation to demonstrate how the requirements/outcomes will be fulfilled.
Unacceptable	0	No or inadequate response. Fails to demonstrate an ability to meet the requirement/deliver the required outcomes.

Tenderers had to achieve a score of 2 or more for each scored item. Any scored criteria item receiving less than 2 would result in the Tender being rejected and Tenderers being disqualified from the process.

Tenderers scores for each method statement were multiplied by the relevant weighting to result in a 'weighted score' for that method statement. The weighted scores were then totalled, with the total expressed as an overall score out of 85.

Method Statements			
Non-Price			85%
MS1	Design		40%
MS2	Equipment & Landscaping		15%
MS3	Value for Money		15%
MS4	Quality & Capacity		15%

Social Value – 10% Weighting

Social value commitments were evaluated against the criteria below, based on a combination of quantitative and qualitative assessment.

Social Value	Tier 1	Tier 2
Total Social Value	10%	
Social Value - Quantitative		5.00%
Social Value - Qualitative		5.00%

Social Value Quantitative Assessment

The Quantitative assessment was based on the total £SV submitted by the Tenderer through using the TOMs Procurement Calculator. The Tenderer submitting the highest social value offer were cored full marks for this section. The Tenderer's Total £SV was evaluated using the scoring system below:

$$\left(\frac{\text{Tenderer's Total Social Value Commitment (£)}}{\text{Highest Total Social Value Commitment (£)}} \right) \times \text{Weighting} = \text{Weighted score}$$

Social Value Qualitative Assessment

The qualitative assessment was based on the method statement in column N of the TOMs Procurement Calculator. Commitments were evaluated in the same way in which Quality in the rest of the Tender submissions are evaluated, in line with the 0 – 5 scoring matrix above. The weighted scores were rounded to 2 decimal places.

Tenderers were made aware for 'Record Only' Criteria, the higher the percentage recorded, the higher the points would be awarded.

Total Social Value Evaluation Score

The total Social Value score was calculated from the scores of the quantitative and qualitative Social Value assessments.

Total Evaluation Methodology (100% of weighting)

To determine the overall total score and corresponding ranking for each Tenderer, it was necessary to add the total weighted price points score with the total weighted quality points score, and total weighted social value score.

Moderation

Moderation was only undertaken where there was a difference in evaluator scoring of more than 1 point. This was to ensure no omissions had been made in the evaluation process. An example has been provided below:

E.g. Scores received of 3, 3 and 4= No moderation undertaken

Scores received of 2, 3 and 4= moderation undertaken

5. SUMMARY OF EVALUATION

The Invitation to Tender was published electronically via, The Supplying the South West Portal – the Council's chosen procurement portal on 15th September 2021 with a Tender submission date of 5th October 2021.

The received Tender submissions, were evaluated in accordance with the overall evaluation strategy set out above, and were independently evaluated by Council Officers, all of whom had the appropriate skills and experience, in order to ensure transparency and robustness in the process.

In order to ensure fairness of the process the evaluation of Quality and Price were split, with Price information being held back from the Quality evaluators.

The resulting quality and financial scores are contained in the confidential paper.

6. FINANCIAL IMPLICATIONS



Financial provision has been made for this contract within the funding received. Details of the contractual pricing are contained in the confidential paper.

7. RECOMMENDATIONS

It is recommended that a contract be awarded to the highest scoring Tenderer for the Provision of Outdoor Play Improvements – Phase 3 & 4. This award will be provisional and subject to the receipt from the highest scoring Tenderer of the satisfactory self-certification documents.

8. APPROVAL

Authorisation of Contract Award Report

Author (Responsible Officer / Project Lead)			
Name:	Zoe Sydenham		
Job Title:	Natural Infrastructure Projects and Partnerships Manager		
Additional Comments (Optional):	•		
Signature:		Date:	18.10.21
Head of Service / Service Director / Strategic Director [Signature provides authorisation to this award report and award of Contract]			
Name:	Paul Barnard		
Job Title:	Service Director		
Additional Comments (Optional):			
Signature:		Date:	18.10.21

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The following relates to exempt or confidential matters (Para(s) 3 of Part 1, Schedule 12A of the Local Govt Act 1972). Any breach of confidentiality could prejudice the Council/person/body concerned & might amount to a breach of the councillors /employees codes of conduct.

Document is Restricted

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EQUALITY IMPACT ASSESSMENT

Project Title: Improving Outdoor Play in Plymouth Phase 3

Natural Infrastructure Projects and Partnerships Team



STAGE 1: What is being assessed and by whom?

What is being assessed - including a brief description of aims and objectives?

This project proposes to deliver a Phase 3 of a city wide capital works programme to PCC owned play spaces in 2021/22 to significantly improve the quality of outdoor play space provision across the city.

It aims to:

Improve city-wide quality by:

- Investing in additional play sites to good and excellent quality status at a total cost of £380,003k funded by corporate borrowing.

During Phase 3 we will continue to identify and secure S106 funding and alternative sources of funding for sites as the project progresses.

The Natural Infrastructure Projects and Partnerships Team will lead on this project with existing staff, and support from temporary contracted staff.

Responsible Officer

Zoe Sydenham

Department and Service

Natural Infrastructure Team Strategic Planning & Infrastructure

Date of Assessment

30/7/2021

STAGE 2: Evidence and Impact


Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	It is anticipated that the project will be open to all age groups. There would be a requirement for young children to be supported by an adult. We will actively engage families and schools	No adverse impact, all age groups will have the opportunity and will be actively encouraged to be involved.	N/A	N/A
Disability	Access to monitoring forms and networks that are developed will conform to the requirements of the Equality Act and recommended guidelines for users with a disability. Improvements will comply with the Equality Act and recommended guidelines for users with a disability	No adverse impact of the project. The project will be accessible to all abilities.	N/A	N/A
Faith, Religion or Belief	Christian: 58.1% Islam: 0.8% Buddhism: 0.3% Hinduism: 0.2% Judaism: 0.1% Sikhism: <0.1%	No adverse impact The project will be accessible to all faiths, religions and beliefs.	N/A	N/A

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
	No religion: 32.9%			
Gender - including marriage, pregnancy and maternity	Overall 50.6% of our population are women; this reflects the national figure of 50.8%. There will be no gender barrier to being involved in this project.	No adverse impact, there will be no barriers to involvement based on gender.	N/A	N/A
Gender Reassignment	Access to being involved in the project will not be limited by gender reassignment.	No adverse impact, there will be no barriers to involvement based on gender reassignment.	N/A	N/A
Race	White (all): 96.1% Mixed (all): 1.3% Asian (all): 1.5% Black (all): 0.7% Other: 0.4% The project will be open to all to participate regardless of race.	No adverse impact, the project will be open to all to participate regardless of race.	N/A	N/A
Sexual Orientation -including Civil Partnership	The project will be open to all to participate	No adverse impact, the project will be open to	N/A	N/A

STAGE 2: Evidence and Impact				
Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
	regardless of sexual orientation.	all to participate regardless of sexual orientation.		

STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken		
Local Priorities	Implications	Timescale and who is responsible?
Reduce the inequality gap, particularly in health between communities.	Sites for improvements will be prioritised based on existing quality, appropriateness of location for play, and number of other good quality local play areas within a 400m radius.	This work will commence in September 2021 and will be delivered by the Natural Infrastructure Team.
Good relations between different communities (community cohesion).	The project will require input from all user-groups play areas and design will embed areas for social play and communal seating	This work will commence in September 2021 and will be delivered by the Natural Infrastructure Team.
Human Rights	<p>This service recognises Article 14 of Human Rights Act – The right to receive Equal Treatment and prohibits discrimination including sex, race, religion and economic and social status in conjunction with the Equalities Act which includes age and disability.</p> <p>All staff and service users will be treated fairly and that their human rights will be respected.</p> <p>No adverse impact on human rights identified.</p>	N/A

STAGE 4: The Principles of Fairness	
Principles	Comment
People should be able to access opportunity whatever their circumstances	The use and enjoyment of the city's outdoor play spaces is open to all.
The city should give priority to those in greatest need when it allocates resources	The project will be open to all and will give equal weight to the information provided to it by all members of society. Sites for improvements will be prioritised based on existing quality, appropriateness of location for play, number of other good quality local play areas within a 400m radius and ward deprivation statistics and in consultation with local Ward Councillors.
Things that make the biggest difference to people's lives should get priority when deciding where resources go	The project will ensure that the people of Plymouth will have access to high quality play spaces benefitting from the associated health and social benefits
The way things are done in the city matters just as much as what is done	The project will actively provide opportunity for local stakeholders to contribute to the design of sites.
Unfairness which takes time to remove needs policies for the long term	Access to and enjoyment of the city's outdoor play spaces is open to all and is fair for all.
Preventing inequalities is more effective than trying to eliminate them	The project will work on the premise of preventing inequality within communities by providing opportunity for all to be involved.
Services should be provided 'with' people, not 'for' them	Input from the community will be vital in the delivery of this project in order to ensure the play improvements meet their needs.
The needs of future and current generations should be balanced when making decisions.	Improvements will use robust and sustainable material to ensure longevity of works for the enjoyment of current and future generations.

STAGE 4: Publication			
Director, Assistant Director/Head of Service approving EqIA.		Date	25/10/2021

