

OFFICER DELEGATED DECISION REPORT 29 JANUARY 2020

Report title: Clapham Common Event Site Reconditioning Autumn 2019

Wards: Clapham Common and Clapham Town

Portfolio: Cabinet Member for Equalities and Culture: Councillor Sonia Winifred

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services

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Report summary

This report sets out the award evaluation process and seeks approval to award to a Provider, for the wholesale reconditioning of the Clapham Common Events Site. This will be a one-off, project specific contract anticipated to finish in spring 2021 – this has slipped from the original finish date of spring 2020 for reasons detailed below. The tender process was managed by Lambeth Procurement with the tender being submitted electronically using EU-Supply portal.

The evaluation was carried out by the Procurement team, who scored the commercial element, and a panel consisting of events and parks officers who scored the qualitative element. Based on the evaluation, the preferred supplier is Idverde Ltd.

The late commencement of the tender, and subsequent award of the contract and the prevailing weather conditions have meant that there has been a shift to the original timescales for commencement of the project

Finance summary

The cost to the Council will be an estimated and maximum £210,000 for the duration of the contract. In addition, there will be some associated costs for contract delivery, totalling £2,500. These costs will be met from the Event Operations budget.

Recommendation

1. To approve the award of the reconditioning contract for the Clapham Common event site to Idverde Ltd from 1 December 2019 – 31 May 2021, at a maximum cost of £210,000.

Reasons for Exemption from disclosure

The accompanying part II report is exempt from disclosure by virtue of the following Paragraphs of schedule 12A to the Local Government Act 1972:

3. Information relating to the financial or business affairs of a particular person (including the authority holding that information).

1. CONTEXT

- 1.1 Clapham Common Event Site is a dedicated patch of land approximately 77,000 sq. metres on Clapham Common between Long Road and Long Pond. It has a high level of usage from events, ad hoc sports use and general footfall.
- 1.2 This proposal seeks to recondition the Event Site on Clapham Common. Creating a site that is more robust to post event reinstatement and provides a better space for park users and event organisers to use.
- 1.3 There has always been post-event reinstatement supported by ongoing maintenance from Lambeth Landscapes and this work has been reactive. There has been no significant investment into the site condition for at least 20 years and so it is long overdue.
- 1.4 In recent years the numbers of local authorities which are making available their parks and open spaces for hire has increased. It is now an increasingly competitive market with new spaces becoming available annually and increased pressure on existing spaces to continue to deliver in the face of increased events and greater expectations.
- 1.5 Providing a good quality events site on Clapham Common will mean it can continue to be one of the premium sites in Lambeth and London whilst continuing to sustainably generate income for the Common and the Council.
- 1.6 Within this contract EventLambeth has committed to creating a more improved and robust event site for all users of that location.
- 1.7 This is a Gateway 3 Procurement Award Report.

2. PROPOSAL AND REASONS

- 2.1 For reasons of confidentiality, the detailed analysis of the tenders submitted along with the awarded scores is detailed in the Part II report.
- 2.2 It is proposed to award the contract to Idverde Ltd, after the evaluation process determined that they had submitted the most economically advantageous tender, alongside the best proposal for delivery of the requirements of the specification and social value.
- 2.3 The only other tender submission did not score as highly and so was not the preferred option.
- 2.4 There were two valid tenders submitted and so not awarding the contract, or re-starting the tender process was not considered a necessary option.
- 2.5 An above threshold open tender was issued via the EU-Supply Tenders Portal and advertised via OJEU and Contracts Finder, there were eight expressions of interest and two tender responses.
- 2.6 Tenders were evaluated on a 60% Price and 40% Quality basis.
- 2.7 There were also a number of mandatory questions bidders had to pass in order for their bid to be considered compliant.
 - i. Table 1: Evaluation breakdown

No.	Quality	Weighting
MS1	Service Delivery	18%
MS2	Project Management	10%
MS3	Experience and Capability	10%
MS4	Social Value	2%
Quality		40%
Price		60%
TOTAL OVERALL		100%

ii. Table Below with agreed scores:

Bidder Name	Price	Quality	Total (Price + Quality)	Rank
Idverde Ltd	53	36	89	1
Tenderer B	60	24	84	2

- 2.8 The preferred submission was able to demonstrate clear ability to deliver the reconditioning of the event site within the timescales stipulated.
- 2.9 Due to the limited term of the contract the social value of the contract did not include training opportunities for Lambeth residents, but it did have a commitment to place at least one apprentice on the project (because of the limited duration of the contract a new apprenticeship could not be supported). In addition, all staff working on the project will be paid the London Living Wage.
- 2.10 Idverde have offered one fully resourced corporate volunteering day and one community planting day within Clapham Common, this will be as a part of the contract.
- 2.11 The Contract will be managed by EventLambeth. The Senior Event Operations Officer will be the main point of contact for the operational delivery of the contract, with support from the Event Operations Manager. The Head of Events and Filming will have oversight of the contract progression and will decide if escalation of issues is required.
- 2.12 There will be regular monitoring meetings to assess the progress of the contract – frequency to be agreed. The progress against the KPIs will also be assessed at these meetings.
- 2.13 Poor performance in the contract will be highlighted and escalated to the Head of Events and Filming in the first instance. A meeting will be held with the contract holder to highlight the issues and they will be required to provide a plan in writing as to how it will be addressed and monitored with key delivery dates. This will then be monitored and updates provided by the operational leads. Should this require further escalation this will be done by the Head of Events and Filming through the Assistant Director Neighbourhoods, and if required to the Director for Environment and Streetscene, and ultimately the Strategic Director for Resident Services.
- 2.14 The Event Operations Manager has been responsible for the tender process and so is fully aware of all the requirements around the contract. They will act as support to the operational lead to ensure there is continuity in delivery. Other business continuity requirements will be developed in discussion with the successful company as the contract is let and the mobilisation starts.

- 2.15 The late commencement of the tender, subsequent award of the contract and the prevailing weather conditions have meant that to undertake every aspect of this project in the original timescale created a significant risk of the work not being completed in time for the Moonwalk in May 2020 and significant additional works needed to ensure the ground was fit.
- 2.16 Therefore, there is now a shift to the timescales so that some of the project can be completed by the original finish date. The remainder of the project will be moved to commence in September 2020 to be completed by 31 May 2021.
- 2.17 The successful company is aware of this and can meet these revised deadlines. Stakeholders have also been told about this and have raised no concerns. The decision was made in discussion with Lambeth Landscapes.

3. FINANCE

- 3.1 The total cost of the contract is £200,000 with an additional 5% contingency bringing the maximum value to £210,000 and there will in addition be some smaller costs for contract delivery including officer time and communications to residents about the project, totalling £2,500. These costs will be funded by the Events Operation Budget in 2020/21.
- 3.2 The additional £10,000 is a 5% contingency and is an overestimation of the final costs for the purposes of this report. The price increase will be agreed based on the Consumer Price Index for August 2020. Therefore, the cost should be less than £210,000 but this is the maximum contract value. The Council reserve the right not to spend this whole amount.
- 3.3 There were no cashable savings.
- 3.4 There may be some savings in the ongoing maintenance of the area with the improvement of the overall condition of the site, but these are not currently quantifiable.

4. LEGAL AND DEMOCRACY

- 4.1 The authority to approve the recommendation in this report is delegated to the Strategic Director of Resident Services.
- 4.2 The value of the entire term, amounting to over £100,000 expenditure makes this report an Officer Delegated Decision Report. The Strategic Director is being asked to approve award of this one-off contract as per the Council's Scheme of Delegation, as stated in the Constitution, page 71.
- 4.3 The Council's contract standing orders require that contracts with a value of £100,000 or more should be competitively tendered.
- 4.4 The proposed reconditioning is deemed a contract for works under the Public Contracts Regulations and are below the threshold at which contract opportunities must be published in the Official Journal. The Council may therefore choose how to procure the works within the broad ambit of the EU procurement principles, namely that contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.
- 4.5 In view of the required postponement of the works as a result of the factors outlined in section 2 of this report, the proposed contractor is to be awarded a consumer price index increment. This will not

materially affect the economic balance between the recommended contractor and the losing tenderers and does not engage any legal concerns.

- 4.6 Under Article 9 of The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 a local authority may enclose during such period and subject to such conditions as they may deem necessary or expedient any part of any open space (a) for the purpose of or in connection with the cultivation or preservation of vegetation in the interests of public amenity, or (b) in the interests of the safety of the public; and may preclude any person from entering any part so enclosed.
- 4.7 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. CONSULTATION AND CO-PRODUCTION

- 5.1 This section details the consultation that has been undertaken over this contract. The Council's primary stakeholder for Clapham Common is the Clapham Common Management Advisory Committee (CCMAC), which represents all groups with an interest in the common, including the Clapham Society, Clapham BID and the Friends of Clapham Common.
- 5.2 Although some constituent groups hold reservations about the intention behind the reconditioning believing that it may lead the Council to increase the number of events that use that space and not reduce the impact of events on the Common, CCMAC are broadly supportive of the tender, especially in conjunction with the concessions contract tender which involves limiting the number of individual events periods on the event site. The CCMAC are aware of the change in schedule for this project. There have been no issues raised as they are aware that the intent is to continue with this project in to 2020 – 2021 and not abandon it.

Table 1 – Stakeholder Matrix

Stakeholders	Interest	Action
Procurement Officer	All stages from pre-Business Case to award of contract.	<ol style="list-style-type: none"> 1. Conduct pre-procurement engagement. 2. Consult on each stage of procurement (GW1, GW2, GW3). 3. Consult on development of tender documentation. 4. Consult on the use of the e-procurement portal. 5. Consult on execution of contract.
Cllr Sonia Winifred – Cabinet Member	All stages from pre-Business Case To approval of contract	<ol style="list-style-type: none"> 1. Conduct pre-procurement engagement. 2. Consulted on each stage of procurement (GW1, GW2, GW3).
Bayo Dosunmu - Project Sponsor	Successful delivery of contract arrangements and securing Cabinet Member buy-in.	<ol style="list-style-type: none"> 1. Met and discussed approach to Cabinet Member. 2. Kept Strategic Director updated on procurement.

Stakeholders	Interest	Action
(Strategic Director)		
Management Team	The Assistant Director Neighbourhoods and Director of Environment and Streetscene have both been kept closely apprised of tender progress and are both fully supportive	<ol style="list-style-type: none"> 1. Consulted on quality KPIs for proposed contract. 2. Engaged throughout the tender process 3. Will continue engagement and updates throughout contract delivery
CCMAC	Interest in outcomes of the contract.	<ol style="list-style-type: none"> 1. Event officers have attended CCMAC monthly meetings to provide updates and will arrange further meetings and electronic updates around the contract delivery.

6. RISK MANAGEMENT

6.1 The Project Team responsible for the delivery of the procurement and management of the subsequent contract have developed a risk register in Table 2 below. The main risks that impede on the successful delivery of this procurement and contract are:

Table 2 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Tender Process is Challenged	1	4	4	The tender process was conducted in a robust, clear and transparent way to mitigate the risk of challenge.
2	Providers not being able to complete contractual obligations	1	8	8	The potential provider has been asked to submit evidence of their experience of delivering these types of projects. They are a company known to the council from undertaking similar projects and in their submissions demonstrated that they have the resources in place to deliver the commitments made in the tender process.
3	Planning Permission	1	4	4	In engagement with the planning team prior to the tender, commissioners were advised that the fencing required to protect the site would not require planning permission. This will be checked again once the final agreements are in place.
4	Resident Dissatisfaction	4	2	8	The event site will need to be fenced off for the duration of the works so that the newly reconditioned area has time to recover and grow fully before there is footfall. Previous experience shows that this needs to be robust fencing to prevent incursions and damage. It is likely that there will be some resident dissatisfaction at having part of the Common (less than 10%) fenced off for so long. There will need to be a proper communications plan in place and all users of that area informed via

Item	Risk	Likelihood	Impact	Score	Control Measures
					posters, the CCMAC and the Council. Ongoing social media and blog updates will be done. The CCMAC have been made aware of the Tender and will be engaged with on awarding of the contract.
5	Brexit	3	1	3	The contractor will have a Brexit risk management plan in place. There are no imported products used on the project and the revised timescales means that the part of the project that requires consumables will be at least 6 months after the revised Brexit date of 31 January 2020.
5	Weather	3	8	24	This project is weather contingent and so the award of the contract and commencement of the works is important. Following the significantly wet weather a decision was made to postpone some elements of the Contract to ensure that the work wouldn't need to be redone. These elements are moved to September 2020 which gives an even longer contingency in place. In addition other works being undertaken earlier means that the reseeded element can take place earlier in the revised timescale to give even more time for the work to take.

Key

Likelihood	Very Likely	4	Likely	3	Unlikely	2	Very Unlikely	1
Impact	Major	8	Serious	4	Significant	2	Minor	1

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 An Equalities Impact Assessment (EIA) for the Events Strategy was undertaken in 2016.
- 7.2 A further proposal specific EIA was submitted online and approved on the 4 June 2019. The contract award does not have the potential for discrimination against the protected characteristics. The successful tenderer will be required to meet their legislative obligations relating to equalities and once completed the event site will be accessible to all. Any events that do take place on it are also accessible to all members of the public (within licensing restrictions).
- 7.3 There will be an ongoing assessment of the project delivery by the events team. This will look at complaints and issues raised by stakeholders.
- 7.4 The Concerns that were raised at DMT on 11 September 2019 were addressed and allayed by seeking advice and performance information from other Project Managers who were managing works being undertaken by Idverde Ltd. for the London Borough of Lambeth.
- 7.5 The Conclusion was that the current workload was progressing well and that there would not be an impact on the new project.

8. COMMUNITY SAFETY

- 8.1 It is not anticipated that there will be any community safety implications or requirements from the letting of this contract.
- 8.2 We will be informing the Lambeth Events Safety Advisory Group (LESAG) about the project. The Public Protection Team are members of the LESAG.

9. ORGANISATIONAL IMPLICATIONS

Environmental

- 9.1 All vehicles and machinery are serviced regularly and in the case of vehicles comply with EURO VI emissions standards.
- 9.2 Single use plastic will be minimal.

Staffing and accommodation

- 9.3 There are no TUPE implications as this is a completely new contract.

Procurement

- 9.4 The Gateway 1 was approved on the 17 June 2019, with the Gateway 2 was approved on the 19 June 2019.
- 9.5 Procurement Route:
 - i. An OJEU Tender was published on Contracts Finder and OJEU via the EU-Supply tendering portal on 24 June 2019.
 - ii. The documents issued for the Tender are detailed in the background documents section.
 - iii. The percentage split between price and quality was 60:40.
 - iv. The OJEU Reference number is 2019/S 120-294344.
 - v. The Tender was issued on the 24 June 2019 with all responses received by 24 July 2019.
 - vi. There were two tenders received and both were deemed compliant.
 - vii. There were three panel members who assessed each response separately and then met to agree a consensus option with the Procurement lead.
 - viii. Once the evaluators had met for the moderation meeting it was agreed that the contract should be awarded to Idverde Ltd.
 - ix. As above this was based on the submissions, experience, income and delivery of a wide range of works for the Common.
- 9.6 Due to the nature of the contract there are minimal GDPR issues as there is limited personal data being held. Any of this which is, will be in the project management documents and circulated only with the approval of the document owner to the relevant stakeholders.
- 9.7 Officers should ensure that the maximum total cost of contract does not exceed £210,000

Health

- 9.8 This is not required however it should be noted that there will be provision of the required medical and safety provisions for staff working onsite.
- 9.9 The working area will be fenced off to protect members of the public.

10. TIMETABLE FOR IMPLEMENTATION

- 10.1 Please amend Activity column as appropriate and insert dates of the next steps.

Activity	Proposed Date
Date published on Forward Plan	N/A
Original Submission to DMT Board Administrator	9 Sept 2019
Original DMT Board Date	11 Sept 2019
Original Publication on Decisions online	16 Sept 2019
Original Officer Decision	24 September 2019
Submission to DMT Board Administrator	TBC
DMT Board Date	TBC
Publication on Decisions online	16 Jan 2020
Officer Decision	24 Jan 2020
Execution of Contract	25 Jan 2020
Award of Contract	25 Jan 2020
Commencement of Contract	25 Jan 2020

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Councillor Winifred	Cabinet Member for Equalities and Culture	02/09/19 16/12/19	11/01/20	
Councillor Briggs	Clapham Common Ward Councillor	02/09/19 16/12/19		
Councillor Corry-Roake	Clapham Common Ward Councillor	02/09/19 16/12/19		
Councillor Reynolds	Clapham Common Ward Councillor	02/09/19 16/12/19		
Councillor Bray	Clapham Town Ward Councillor	02/09/19 16/12/19		
Councillor Haselden	Clapham Town Ward Councillor	02/09/19 16/12/19		
Councillor Wellbelove	Clapham Town Ward Councillor	02/09/19 16/12/19		
Bayo Dosunmu Strategic Director	Residents' Services	09/09/19 17/12/19	13/01/20	
Andrew Ramsden AD Finance	Finance & Investment	20/08/19 26/11/19	22/08/19 12/12/19	3
David Thomas Contracts Lawyer	Legal & Governance	20/08/19 26/11/19	20/08/19 04/12/19	4
David Rose, Democratic Services Officer	Legal & Governance	20/08/19 26/11/19	02/12/19	4
Raj Mistry Director of Environment and Streetscene	Residents' Services	10/09/19 17/12/19	13/01/20	
Kevin Edger, Category Manager, Procurement	Finance & Investment	19/08/19	19/08/19 16/12/19	Throughout
Sophie Eveso, Procurement Officer	Finance & Investment (Procurement)	19/08/19 26/11/19	19/08/19 16/12/19	Throughout
Kevin Crook AD Neighbourhood (Parks, Leisure and Cemeteries)	Residents' Services	07/08/19 26/11/19	28/08/19/ 02/12/19	throughout
Lee Fiorentino Head of Events and Filming	Residents' Services	07/08/19 26/11/19		Throughout

Report History	
Original discussion with Cabinet Member	10/06/19
Report deadline	N/A
Date final report sent	17/01/2020

Part II Exempt from Disclosure/confidential accompanying report?	Yes
Key decision report	No
Key decision reasons	N/A
Date first entered on the Forward Plan	N/A
Background information	N/A
Appendices	2019 Equalities impact assessment

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: _____ **Date:** _____

Post: Olivia Pearcey
Event Operations Manager

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Bayo Dosunmu
Strategic Director for Resident Services

I confirm I have consulted the relevant Cabinet Members, including the Leader of the Council (if required), and approve the above recommendations:

Signature: _____ **Date:** _____

Post: Councillor Sonia Winifred
Cabinet Member for Equalities and Culture

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None