

OFFICER DELEGATED DECISION 05 JANUARY 2022

Report title: Stockwell Skatepark Refurbishment – Design and Build Contract Award

Wards: Ferndale

Portfolio: Councillor Donatus Anyanwu, Cabinet Member for Voluntary Sector and Leisure

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

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REPORT SUMMARY

Stockwell Skatepark is a Lambeth owned asset located at 147 Stockwell Road. First constructed in 1978, the park is a popular and iconic skate sports park with a large number of users both from within the borough and beyond. Due to its worsening structural condition, major refurbishment and upgrade is required if it is to remain open and serve the community for years to come as a high-quality destination for skaters.

This report summarises the results of the procurement process to appoint a contractor for a design and build contract for the refurbishment of Stockwell Skatepark. This report explains the process undertaken to carry out the tender exercise that led to the recommendation to appoint the winning contractor.

FINANCE SUMMARY

Capital funding of £487,000 has been allocated to deliver this project. The maximum contract value for this award is £408,000, which is within that budget.

RECOMMENDATIONS

1. To approve the award of the Stockwell Skatepark refurbishment contract to Betongpark Limited at a maximum contract value of £408,000.

1. CONTEXT

- 1.1 Stockwell Skatepark was deemed an asset of community value in Lambeth in 2015 and is one of the UK's oldest skate parks. The site welcomes skateboarders, rollerblading and BMX riders of all ages both from the local community and beyond. The skatepark is a key sports amenity in the Brixton/Stockwell area and there is a strong Friends of Stockwell Skatepark (FoSS) group connected to the site.
- 1.2 The site has suffered from some low-quality interventions in the past. Although a recent independent inspection audited the site as "safe to remain open pending repairs", it classified 11 of 14 existing features as high-risk and in need of repairs to maintain the operability the site. The skate park therefore requires intervention to resolve the risk of ongoing deterioration and potential closure. The refurbishment will also futureproof this iconic free outdoor sports facility, creating a modern, high-quality destination for local people as well as attracting users from other parts of Lambeth and beyond.
- 1.3 The project has suffered considerable delays. Following a competitive tender process, an appointment was made in 2018 to a specialist skatepark contractor to deliver the scheme. Independent assessments demonstrated that only a specialist contractor could carry out this work and it was determined that the contractor had the requisite background. The appointment was, however, heavily weighted towards price in the moderation.
- 1.4 Following the appointment, in 2018/19 the contractor completed the required detailed design work and engagement with Friends of Stockwell Skatepark (FoSS) as part of their commission. However, when due to carry out the works on site, the contractor failed to mobilise against three mobilisation deadlines in 2019, quoting various reasons including challenges around site access, which are complex in the busy part of Lambeth.
- 1.5 The contract was eventually terminated in January 2020 by mutual agreement, with the contractor reimbursed for design and engagement work carried out so far.
- 1.6 A full review of the status of the project and options moving forward was carried out in early 2020 by the project team, including an independent specialist skate park engineer and Lambeth's internal quantity surveyor. The review concluded that the project budget was not sufficient to deliver to the requisite quality or scope and that a new procurement strategy needs to be developed to restart the project.
- 1.7 Central to a pause in the delivery of the project in 2020 were budget shortfalls as well as the closure of specialist construction companies due to the outbreak of the Covid-19 pandemic.

2. PROPOSAL AND REASONS

- 2.1 A revised procurement strategy for the project was approved by the Procurement Board in October 2020. Due to the specialist nature of the refurbishment work and the small size of the industry an approval was given to engage in a single tender action with Betongpark Limited, an experienced specialist skatepark contractor and the second highest scoring contractor in the original tender exercise.
- 2.2 Prior to inviting Betongpark to tender in a single tender action, the project team reviewed detailed specifications of the works with the assistance of an external skatepark engineering consultant and used the expertise of the senior procurement category manager to help facilitate submission of a revised bid and steer any subsequent negotiations. The designs which had been completed by the previous contractor needed to be reviewed as part of the future design and build contract, with the extent to which they will be followed by the new principal designer depending on various design and pricing options presented by the bidder and further engagement with FoSS.
- 2.3 Betongpark submitted their revised bid via EU-Supply portal in February 2021. The bid included two basic options: the originally planned scope of works including refurbishment of two thirds of the skate park area only and a full refurbishment, combined with several variations to the design and with up to three new modern skating features.
- 2.4 In February 2021 the appointed tender evaluators completed the evaluation of the tender for both quality and price.
- 2.5 There were three panel members who assessed each response against each evaluation criteria separately and then met to agree a consensus option with the Procurement lead. The evaluation was moderated by the nominated procurement lead and overseen and approved by senior procurement category manager. The evaluators also sought specialist advice from Lambeth's internal quantity surveyor in terms of the submitted pricing options and from an external construction and civil engineer specialising in skate park building to advise on the technical aspects of the submission and options presented.
- 2.6 In line with the procurement strategy requirements, the tender was evaluated on a 30% price and 70% quality basis.
- 2.7 The quality evaluation criteria were as follows:

Table 1. Quality evaluation criteria

Item	Quality Evaluation Criteria	Weighting %
1	Design (based on existing approved designs forming part of this tender), including additional or amended features	20
2	Construction methodology and quality assurance	25
3	Operational programme incl. health & safety and site delivery (traffic) management	15
4	Warranty terms	10
5	Resource structure, including relevant expertise of personnel and experience of delivering similar schemes	10
6	Managing client and partner relationships, including Friends of Stockwell Skatepark	10
7	Responsible Procurement	10
Total		100%

2.8 The results of the quality evaluation for Betongpark were as follows:

Table 2. Quality Evaluation scores

Supplier: Betongpark

Question	Possible Score	Weighting	Score	Total Score	Weighted Score %
1. Design Development based on existing approved designs	0-5	20	4	80	16
2. Construction Methodology and Quality Assurance	0-5	25	4	100	20
3. Operational programme	0-5	15	3	45	9
4. Warranty Terms	0-5	10	4	40	8
5. Resource Structure	0-5	10	4	40	8
6. Managing client and partner relationships	0-5	10	3	30	6
7. Responsible Procurement	0-5	10	3	30	6
Total score (Quality Evaluation Mark)	0-5	100	25	365	73
Weighted Score (Quality Score)					51.1%

2.9 For reasons of confidentiality, further analysis of the tender submitted, along with the pricing options breakdown, is detailed in the Part II report.

2.10 Following the evaluation, the tender evaluator panel, supported by procurement category manager, made a provisional recommendation that the contract be awarded to Betongpark, subject to the approval of additional funding required and the selection of an appropriate design option.

2.11 The options submitted by Betongpark ranged from basic refurbishment of the most pertinent areas to a full refurbishment with the installation of additional modern skating features. Following an option analysis and a steer by the Cabinet Member additional funding allocation to the project of £213,000 was sought in the upcoming 5-year Parks Investment Programme, approved by the Cabinet in September 2021. The decision was to fund the enhance option in order to take advantage of the unique opportunity to fully modernise and secure the long-term future of the skate park. This decision was welcomed by Friends of Stockwell Skatepark. The reasons for selecting the enhanced option based on full-refurbishment and modernisation are outlined below.

2.12 The skatepark has been in a state of disrepair for a number of years and its condition continues to deteriorate even in areas previously considered optional for repairs. A 2015 condition survey identified a range of defects and concluded that at minimum repairs should be carried out to two-thirds of the skate park's surface in areas identified as Areas 1 and 2 (westernmost and middle), with the easternmost Area 3 considered optional. However, the most recent safety inspection by RoSPA Playsafety in October 2020 concluded that 11 of 14 skate park features are now in the high-risk category, with some no longer meeting modern standards, and are in immediate need of repairs. Three of features are located in Area 3, which would not be repaired under the cheaper option. The more comprehensive repair option would ensure the viability of the whole of the sports facility for years to come, without the need to seek additional funding for ad-hoc repairs. The refurbishment works come with a 20-year warranty for concrete and metal copings and edgings. Following the refurbishment, the skate park will require only minimal maintenance, with related costs absorbed by Parks operational budget.

2.13 This is a unique opportunity for Lambeth to fully modernise and future-proof this popular and iconic skate park, one of the oldest skate parks in London and whole of the UK. A fully refurbished,

modern skate park with state-of-the-art features to train on has the potential to attract generations of sports enthusiasts and even to produce home-grown Olympians of the future. Skateboarding features as an Olympic sport for the first time in 2021 in the Tokyo 2020 Summer Olympics (postponed from 2020 due to Covid-19 pandemic). The sport is therefore likely to increase further in popularity, especially among young local residents.

- 2.14 A fully resurfaced and improved skate park would improve accessibility for users who at present cannot enjoy it due to safety concerns, including families and people with disabilities or mobility issues. Modernising the rest & viewing area located in Area 3 as part of the enhanced option and providing additional family benches would create conditions to attract local families with smaller children as well as disabled users to use this sports facility in a safe environment. In addition to the capital grant awarded, London Marathon Trust has allocated a £10,000 revenue grant towards an outreach programme for local schools, community and disabled users, to be spent after the skate park re-opens. Part of grant will be spent towards skateboarding instructor courses for users from the local community, including specialist skateboarding instructor training for people with disabilities.

3. FINANCE

- 3.1 The current project delivery budget is £487,000 which includes £100,000 in capital grant from the London Marathon Charitable Trust and a £100,000 financial contribution from Network Housing Group (owners of the recently completed Thrayle House housing development adjacent to the skate park).
- 3.2 The Parks Investment Programme 2020-25, approved by the Cabinet in September 2021, allocated an additional £213,000 to supplement the delivery budget of £274,000 remaining after the termination of the original design and build contract with the previous supplier and subsequent preparatory works. This additional allocation allowed the project to go ahead with an enhanced design and scope option and updated pricing.
- 3.3 Betongpark Limited's contract value is set at a maximum of £408,000 and is therefore affordable within the existing capital budget.

4. LEGAL AND DEMOCRACY

- 4.1 The authority to enact this report's recommendation is delegated to the Strategic Director for Resident Services. Before exercising that authority, this paper should be reviewed by a Category Board.
- 4.2 The statutory procurement regime applies to this tendering exercise by virtue of the Public Contracts Regulations 2015. As the value of this contract falls below the threshold of £4,733,252 for works, the Council was not obliged to publish a contract notice on the Find A Tender Services. For below threshold contracts, the Council's duty is to act reasonably and proportionately when evaluating the efficacy of awarding a contract to a particular provider.
- 4.3 Under the Occupiers Liability Act 1984 the occupier of the land (in this case the council) owes a duty of care towards persons entering the land in respect of risk of injury arising from the dangerous state of the premises where the occupier is aware or has reasonable grounds to believe the risk exists, there is reasonable grounds to believe that the persons may come into the vicinity of the danger and the risk is one against which the occupier may reasonably be expected to offer

some protection. The duty is one to take such care as is reasonable in the circumstances that the person does not suffer injury by reason of the danger concerned.

- 4.4 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 Council's website for five clear days before the decision is approved by the Cabinet Member or Director concerned (Constitution, Part 2, Section 3). 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 The original scope of works and design specifications were approved by and co-produced with Friends of Stockwell Skatepark.
- 5.2 The designs developed as part of this Design and Build Contract, which will build upon and improve the originally approved designs, will be again reviewed by Friends of Stockwell Skatepark following the contractor's appointment. Any changes to the designs will be within the approved scope of works and within the allocated budget. with the stakeholder group and ward members

6. RISK MANAGEMENT

- 6.1 The main risks that may impede on the successful delivery of the contract are:

Table 2 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures	Ownership
1	Selected supplier does to quality specifications and budget requirements	2	4	8	Submitted quality and pricing options evaluated by internal QS and specialist external engineer. Robust contract management in place.	Capital Studio
2	Funding offered by London Marathon Trust withdrawn	2	4	8	Regular updates to the Trust. Strong support for the project expressed by the Funding Panel.	Capital Studio
3	Stakeholder Group dissatisfaction due to delays	3	2	6	Regular updates and refreshed comms plan. Friends Group to review and approve modified designs before works begin.	Capital Studio

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 updated EIA has been submitted and accompanies this report.
- 7.2 The proposed works do not have the potential to negatively impact on the protected characteristics. The project focuses on upgrading existing core infrastructure of the sports facility. The changes will improve the user experience and will bring positive change for some of the protected characteristics, impacting particularly on age and disability.

8. COMMUNITY SAFETY

- 8.1 The Community Safety team has been consulted as part of the original tender and will be consulted again as part of the execution of the construction works. These improvement works will add significantly to the offer to young people in Lambeth by providing an area where they can skateboard and BMX in a designated space built for this purpose, with regular safety checks. After the modernisation, the popularity of the skate park will grow even further, and its user group will be widened. There will also be more regular organised activities for families and younger children, as per commitment to London Marathon Trust, one of the project sponsors. This will contribute to a more intense public surveyance of the space, reducing the risk of anti-social behaviour.

9. ORGANISATIONAL IMPLICATIONS

ENVIRONMENTAL

- 9.1 The quality assessment of the tender submission by the contractor included Responsible Procurement criterion at 10% weighing, which included Lambeth's contractor requirements around environmental sustainability. The contractor has achieved a good score.
- 9.2 Lambeth Council has declared a Climate Emergency. Any procurement around the skatepark will be scrutinised for its impact on the environment, particularly around material reuse and disposal.

Health

- 9.3 The project covered by this report responds to the Lambeth *Joint Strategic Needs Assessment 2020* and provides support to the strategies for Life Expectancy. This project will align with a positive set of health outcomes connected to exercise as well as mental wellbeing

Corporate Parenting

- 9.4 There are no direct implications for the Council's corporate parenting duties/responsibilities for Looked After Children (LAC) and Care Leavers up to the age of 25.

Staffing and accommodation

- 9.5 There are no new staffing changes proposed in this paper.

Responsible Procurement

- 9.6 Each procurement exercise carried out by the Capital Studio is executed in accordance with the Council's standing orders and observant of the responsible procurement criteria

Good Quality Jobs with Fair Pay and Decent Working Conditions

- 9.7 Lambeth is an employer which promotes the London Living Wage, Modern Slavery, freedom to join a trade union and decent working conditions.

Quality Apprenticeships, targeted Employment for Lambeth residents and Lambeth Priority Group

- 9.8 Where possible through the project delivery, through internal opportunities or through project outcomes, the Capital Studio will promote Quality Apprenticeships and targeted Employment for Lambeth residents and Lambeth Priority Groups
- 9.9 The contractor has committed to employing up to three skate park construction apprentices from the local community.

Reduce Emissions: Lambeth Council has a commitment to being Zero Carbon by 2030

- 9.10 The quality assessment of the tender submission by the contractor included Responsible Procurement criterion at 10% weighing, which included Lambeth's contractor requirements around reducing emissions and commitment to zero carbon strategy, including consolidating deliveries and zero-emission non-road mobile machinery options whenever possible, as well as complying with NRMM low-emission zone requirements. In their submission, Betongpark (an SME) confirmed that they have started to invest greatly in new greener technology, replacing wherever possible outdated petrol and diesel plant machinery with state of the art electric and rechargeable alternatives. Whilst Betongpark does not currently own or lease any fleet vehicles, they are committed to using electric or hybrid vehicles as needed. Detailed transport and site management plans will be assessed against the commitments by the project team.

Single Use Plastics

- 9.11 In line with the contractor's commitment under the tender's Responsible Procurement criterion, the project will limit the use of plastics, promote re-use of plastics and entirely eliminate packaging and consumption of single-use plastics. This is of particular note for delivering good waste disposal practices and material re-use in construction.

Positive Health and Wellbeing

- 9.12 Lambeth and any contractor involved in project delivery will align with the London Mayor's Healthy Workplace Charter. The contractor is committed to promoting positive health and wellbeing not only as a specialised skate park builder promoting the sport. Their submission included the following statement: 'In 2019 the skateboarding world was rocked by the tragic suicide of one of the UK's beloved own, Ben Raemers. Many in Betongpark considered Ben a personal friend. For this reason, the subject of mental health is very personal to us. As a company and personally we closely follow material supplied by the Ben Raemers Foundation as well as other leading organisations. We encourage judgment free and confidential support to all of our employees, including supplying free suicide prevention training to our management staff as required.'

Other Offers (Innovation)

- 9.13 Through its procurement exercises, the project team is committed to community, financial and volunteering initiatives such as sponsorship, volunteering and use of corporate responsibility budgeting. The team is committed to the Lambeth Council social value principles and criteria which it will apply to suppliers on each procurement. A £10k programme of activities, funded by the London Marathon Trust, will be supported by the contractor who have committed to contribute to assist in organising the opening event. Their contacts in the skateboarding world include professional skateboarders, many of whom are internationally renowned. Some have used or trained at Stockwell Skatepark in the past. The opportunity will be to invite some of them to the opening event to tell their story and to inspire young people of Lambeth to reach their potential.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations:

Activity	Proposed Date
Submission to Category Board	2 December 2021
Category Board Date	16 December 2021
Publication on Decisions online	23 December 2022
Officer Delegated Decision Date	05 January 2022
Award of Contract	05 January 2022

Audit Trail				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Donatus Anyanwu	Cabinet Member for Voluntary Sector and Leisure	02.12.21	16.12.21	at Cabinet Member Board
Bayo Dosunmu, Strategic Director	Resident Services	02.12.21	08.12.21	at Category Board
Sandra Roebuck, Director Infrastructure and Capital Delivery	Resident Services	08.11.21	11.11.21	
Kevin Crook, Assistant Director Neighbourhood (Parks, Leisure and Cemeteries)	Resident Services	18.11.21		for info
Michael Munnely, Assistant Director, Infrastructure and Capital Delivery	Resident Services	08.11.21	11.11.21	
Russell Trewartha, Head of Capital Programmes	Resident Services	04.11.21	08.11.21	
Dan Thomas, Programme Manager	Resident Services	05.10.21	09.10.21	Throughout
Jennifer Rhoden, Procurement Category Manager	Finance and Property	19.10.21	19.10.21	Throughout
Andrew Ramsden, Finance	Finance and Property	15.10.21	10.11.21	2.14, 3.1, 3.2, 3.3
Michael O'Hora, Contracts Lawyer, Legal Services	Legal and Governance	15.10.21	19.10.21	4.1, 4.2, 4.3
Wayne Chandai, Democratic Services	Legal and Governance	15.10.21	20.10.21	4.4

Report History	
Original discussion with Cabinet Member	Since 2017
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	Yes
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	Not applicable
Background information	Capital Investment Programme 2020-25 – September 2021 London Marathon Charitable Trust - Stockwell Skatepark – February 2020
Appendices	Appendix A – 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: Hanna Radlowska
Environment Project Manager
Capital Studio, Infrastructure and Capital Delivery

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Sandra Roebuck
Director of Infrastructure and Capital Delivery

Any declarations of interest (or exemptions granted): N/A

Any conflicts of interest: N/A

Any dispensations: N/A