


| | | |
|---|---|---|
|  | TOURISM AND CULTURE PORTFOLIO – CABINET MEMBER DECISION TO BE TAKEN ON 12 NOVEMBER 2017 | |
| | Key Decision | NO |
| Corporate Priority Place Prosperity Council | Cabinet Portfolio Holder Date of Decision/ Deadline for call-in 5.00pm Implementation Date (if no call-in) | Councillor Andrew Jenkinson 12 December 2017 15 December 2017 16 December 2017 |

REPORT OF: DIRECTOR (LD) – 17/295

WARDS AFFECTED: NORTHSTEAD

**SUBJECT: SELECTION OF CONTRACTOR FOR PEASHOLM PARK
KIOSK CONSTRUCTION**

RECOMMENDATION (S):

The Portfolio Holder is recommended to:

- (i) approve the appointment of M&J Builders to undertake the demolition of the Buttercup kiosk and the construction of a new sales kiosk within Peasholm Park, Scarborough;
- (ii) authorise Officers to enter into contract with M&J Builders in respect of the scheme detailed in recommendation (i).

REASON FOR RECOMMENDATION (S):

The recommended tender submission from M&J Builders was one of two received after the closing time for the tender, but prior to any tender being opened, and therefore approval is required to accept the tender and award the contract to M&J Builders who scored highest against the price and quality evaluation matrix.

HIGHLIGHTED RISKS:

- A challenge by an unsuccessful tenderer.

1. INTRODUCTION

- 1.1 The Council is implementing a scheme in Peasholm Park to replace the boat deck and building which are no longer fit for purpose.
- 1.2 Rather than replace the building back on the boat deck, which causes issues in relation to the loading of the structure, the intention is to demolish the existing Buttercup kiosk and construct a brick build within the same location. The new building will be constructed in a style more in fitting with the theme of the Park.
- 1.3 Whilst alleviating the issue of loading on the boat deck and floor of the lake, the new kiosk will also enable the sales function for the refreshments, boat-deck and putting green to be located within one building leading to efficiencies in service delivery. A copy of the proposed plan for the new build is attached to this report as Appendix A.
- 1.4 The work to demolish Buttercup kiosk and construct a new build are being treated as one contract and this has been subject to a competitive tender exercise.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The proposals in this report support the Council's key aims in particular:

Place: clean, well maintained and managed streets, parks and open spaces;

Place: high quality planning and development.

Prosperity: develop Sustainable Tourism which is of high quality, varied and is all year round.

Council: ensure of service provide value for money and secure best use of our assets.

3. BACKGROUND AND ISSUES

- 3.1 The Council's tender documents were published via the Pro-Contract procurement portal with a closing date of 25 October 2017 at 5.00pm. The tender was open for prospective contractors registered on the procurement system to view and submit a tender if interested.

- 3.2 Prior to the closing date a prospective tenderer requested a one week extension. This was granted and all interested parties were advised, via the procurement portal, of the new closing date of 1 November 2017.
- 3.3 Unfortunately, whilst the closing date was extended for one week, the closing time defaulted to the time that the extension was granted, being 12.00pm. Two of the tenderers that submitted did not notice the time change and still believed it was a 5.00pm closing time; however when they attempted to upload their submissions on the afternoon of 1 November 2017 the system informed them that the tender had closed.
- 3.4 Both tenderers contacted the Council and were advised to Email their submission to the Council's audit section. This they both did.
- 3.5 The Councils Contract Procedure Rules state that any tender received after the time specified for the receipt of tenders but before the opening of tenders may be opened and accepted provided that if such a tender is accepted, the fact that it was a late tender is reported.
- 3.6 A total of five tenders were received and all remained unopened and secure until opened by Audit and Procurement on 7 November 2017.

4. CONSULTATION

- 4.1 Officers have consulted with the Friends of Peasholm Park who support the proposals.

5. ASSESSMENT

- 5.1 As part of the Council's tender documentation prospective tenderers were informed that all tenders received will be evaluated against set criteria. This tender was on a split of Price (60%) and Quality (40%); with the quality score sub-divided against specific elements.
- 5.2 Officers evaluated each tender submission against the evaluation criteria and the overall scores were reviewed by Procurement.
- 5.3 Detailed in the table beneath is the overall evaluation score for each tenderer, with the recommended tenderer being specifically identified.

| Tenderer | Overall Evaluation Score % |
|-----------------|-----------------------------------|
| Bidder 1 | 67.90 |
| Bidder 2 | 83.50 |
| Bidder 3 | 67.20 |
| Bidder 4 | 75.90 |
| M&J Builders | 85.40 |

- 5.4 It is important to note that the tender received from M&J Builders was one of the two late submissions. The other was Bidder 4.

5.5 The price of M&J Builders' quotation was £72,513.00; and as is detailed within the above table they obtained the highest overall evaluation score against the Price and Quality criteria. This is why they are being recommended for approval to undertake works for this part of the Peasholm Park scheme.

6. IMPLICATIONS

6.1 Policy

There are no policy implications arising from this report.

6.2 Legal

The Council will enter into contract with the successful tenderer.

6.3 Financial

The cost of the scheme is detailed within the body of the report.

6.4 Equalities and Diversity

This has been considered and there is no identified implication that will arise from this decision.

6.5 Communications

This has been considered and there is no identified implication that will arise from this decision.

6.6 Planning

Planning consent is not required for the proposed works.

6.7 Crime and Disorder, Staffing, Health and Safety, Environmental

These implications have been considered and do not apply.

7. ACTION PLAN

7.1 None.



Lisa Dixon
Director

Author: Martin Pedley, Asset & Risk Manager

Telephone No: 01723 232450

E-mail address: martin.pedley@scarborough.gov.uk

Risk Matrix

| Risk Ref | Date | Risk | Consequences | Mitigation | Current Risk Score | Target Score | Service Unit Manager/ Responsible Officer | Action Plan |
|-----------------|---------------|---|---|---|---------------------------|---------------------|--|--------------------|
| 1 | November 2017 | A challenge by an unsuccessful tenderer | <p>Delay in awarding a contract whilst the challenge is reviewed</p> <p>Delay to implementation of the scheme</p> | <p>The tender submissions remained secure and unopened</p> <p>Robust evaluation process</p> | B4 | B4 | Procurement | None |