

Report to Cabinet

27 January 2022

By the Cabinet Member for Leisure and Culture



**Horsham
District
Council**

DECISION REQUIRED

Partially exempt

Appendix 1 exempt under Paragraph 3 of Part 1 of the Schedule 12A to the Local Government Act 1972

Procurement of Horsham Park Skate Park

Executive Summary

The current skate park in Horsham Park is built of plywood on a tarmac surface. It is very costly to maintain effectively and has now reached the end of its life. Following extensive research and a market engagement exercise it was agreed to replace the current skate park with a new, free-form spray concrete skate park which will be much more durable and sustainable in the long term. A procurement process has been undertaken and a number of bids were received, as detailed in Appendix 1 (exempt).

The aims of the new skate park are:

- To create a sense of place which encourages people of all ages to use and be comfortable in the space, therefore reducing opportunities for anti-social behaviour.
- To build on the legacy of Horsham Skate Park and provide a park for each of the following disciplines – BMX, skateboard, scooters, inline skates, wheelchair riders. To provide a good quality leisure facility that, where possible, meets the needs of all disciplines.
- To meet the Council's Sustainability Charter by exploring carbon reduction methods and wider social benefits.

The scope of the contract includes:

- Consultation with our street sports community
- Design work
- Applying for planning permission
- Structural Engineer approved drawings
- Construction of a haul route
- Removal of the existing skate park
- Construction of a new concrete skate park

Recommendations

Cabinet is recommended:

- i) To approve the award of the Horsham Park Skate Park contract to the highest scoring bidder, on the terms recommended, as detailed in Appendix 1 (exempt).
- ii) To delegate authority to the Director of Community Services in consultation with the Head of Legal & Democratic Services to finalise terms and conditions and to enter into the contract with the highest scoring bidder.

Reasons for Recommendations

In accordance with Horsham District Council's Procurement Code.

Background Papers

None

Wards affected: All

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Background Information

1 Introduction and Background

- 1.1 The current skate park is at end of life, the ongoing maintenance requirements to ensure that it is safe are high and therefore the skate park needs to be replaced.
- 1.2 In accordance with the Council's procurement procedure, tender documents were prepared and advertised to five selected bidders on the Council's e-tendering portal. The Tender process required the evaluation of each contractor's bid, based on 100% quality and a fixed budget of £250k. The quality evaluation was based on six criteria: design, construction method & materials, programme & delivery, consultation, health & safety and sustainability & social value. Weighting was applied to ensure that the contractor's experience and capability were given due weight and importance.

Bids were received from three contractors and they were scored as follows:

	Quality	Price	Overall Score
Contractor A	78%	100%	78%
Contractor B	57%	100%	57%
Contractor C	52%	100%	52%

Full details are within Appendix 1 (exempt).

2 Relevant Council policy

- 2.1 Corporate Plan - A great place to live - creating well balanced communities that meet residents' needs.
- 2.2 Corporate Plan - A cared-for environment - Prioritise the protection of our environment as we move to a low-carbon future

3 Details

Tender documentation

- 3.1 Officers prepared a comprehensive set of tender documentation. The key objectives were listed as:
- To create a sense of place which encourages people of all ages to use and be comfortable in the space, therefore reducing opportunities for anti-social behaviour.
 - To build on the legacy of Horsham Skate Park and provide a park for each of the following disciplines – BMX, skateboard, scooters, inline skates, wheelchair riders – but to mindful of providing a good quality leisure facility.
 - To meet the Council's Sustainable Procurement Charter by exploring carbon reduction methods and wider social benefits.

- 3.2 A set of quality questions were also prepared which allowed the bidders to demonstrate their approach.
- 3.3 The tender documentation was uploaded onto the Council's e-tendering procurement portal and advertised on Find a Tender Service and Contracts Finder. In addition to the evaluation methodology, the tender documentation included contract documentation in an approved form. This process ensures that all contractors are supplied with identical information and understand the nature of the contract that they will be expected to enter into.
- 3.4 At the tender return date, the Council received three bids, the details of which are included in Appendix 1 (exempt).

Evaluation of submitted bids

- 3.5 The tenders were assessed independently by officers and against published criteria. The scores were then moderated via a panel, overseen by the Senior Procurement Officer.
- 3.6 On completion of this process an analysis of the total scores was undertaken and a winning bid identified. Due diligence checks have been made on the preferred bidder specifically in relation to their financial stability and insurances. The details of the preferred bidder are included in Appendix 1.

4 Next Steps

- 4.1 Legal procedures to formally award the contract to the successful tenderer will be activated on receipt of Cabinet approval.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Leisure and Culture PDAG were updated on the procurement of the Horsham Park skate park on 22 September 2021 and 5 January 2022 and were supportive of the approach.
- 5.2 The Monitoring Officer has been consulted and her advice has been incorporated in this report.
- 5.3 The Director of Corporate Resources has been consulted.

6 Other Courses of Action Considered but Rejected

- 6.1 The retention and maintenance of the existing wooden skate park was considered, but concluded that it was too costly to continually repair and a wooden park is not conducive to British Weather.

- 6.2 The delivery of a new skate park in wood or a composite of wood and concrete was considered in detail. Following a market engagement exercise and further review of latest National Guidance documents it was decided, with authority from the Cabinet Member for Leisure and Culture, that a concrete skate park was the best solution.

Concrete surfacing and construction

- 6.3 A Market Engagement exercise, overseen by the Procurement team, demonstrated that five of the seven suppliers would design and build in concrete, one in laminated ply and one in 'Skatelite' composite sheeting, with the latter two over a metal framework. The suppliers stated that concrete has a minimum 20 year lifespan with minimal maintenance costs, as long as the foundations are sound. The Skatelite surface would need to be replaced every 8-10 years and the ply surface would either need annual maintenance or a total replacement of sheets every 5-7 years.
- 6.4 Skateboard GB is the national association that represents skaters. In their guidance document "Design and Development Guidance for Skateboarding" aimed at local authorities it states: "It is generally recommended that outdoor skateparks should be constructed in concrete because the material boasts a better and safer riding surface, significant durability with minimal maintenance, lower noise pollution and customisability of design". "In particular, concrete outdoor facilities are designed to last for many decades, and therefore the quality of design and construction must be built-in at the front-end."
- 6.5 The UCI (Union Cycliste Internationale) is the international governing body for cycling. Its 'BMX Freestyle Park guide 2019' which defines 'the field of play for the sport of BMX Freestyle Park' (as featured in the 2020 Olympics) states: "Ramps, as well as the ground surface between them, must be built from a sufficiently hard and even surface which provides good traction for bicycle tires, such as wood or concrete" The guide states that wooden ramps are only essential at the highest levels of competition. Moreover, many Freestyle tracks are now being built indoors, where deterioration due to weather is not an issue.

7 Resource Consequences

- 7.1 The tender documentation for the skate park stipulated that the delivery of the project was to be delivered within the £250k approved capital budget. This includes a £25k contingency fund.
- 7.2 The initial capital cost of a concrete skate park is higher than alternatives such as wood or skatelite but this is balanced by lower ongoing maintenance costs. Over a twenty year life span, the overall cost differential between a concrete, wood and skatelite skate park is not large, however there are additional benefits to using concrete such as reduced likelihood of vandalism, reduced downtime on the skate park and smoother transitions.
- 7.3 The management and maintenance of the new skate park will continue in the same manner as the current skate park on the same site.

8 Legal Consequences

- 8.1 The Council has complied with all necessary Procurement Regulations and the Council's Procurement Code.
- 8.2 In-house legal resources will be used to complete the legal documentation.
- 8.3 The successful bidder will be responsible for submitting the planning permission documentation and to ensure all correct procedures are followed.
- 8.4 Horsham District Council is the landowner and therefore any determination of the planning application will be made at Planning Committee.

9 Risk Assessment

- 9.1 The primary risks within the project are the normal risks that are associated with a construction project including, planning, programme, weather, cost control, health & safety, construction risks and consultation risks.
- 9.2 The key risks are:
 - Weather impacting on heavy vehicles accessing the park – this will be mitigated by carrying out most of the work during the summer months.
 - Obtaining planning permission in a timely manner – this will be mitigated by keeping on top of the user consultation phase and keeping a check on the submission of necessary documents to fulfil the planning permission requirements.

10 Procurement implications

- 10.1 The Council has complied with all necessary Procurement Regulations and the Council's Procurement Code. The procurement process has been overseen by the Council's Procurement Manager and supported by a Procurement Officer, ensuring compliance.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 The tender documentation and contract ensures that the resulting contractor complies with all equalities legislation and pays due regard to any possible future impacts on human rights.
- 11.2 The successful bidder demonstrates a strong commitment to staff physical and mental welfare.

12 Other Considerations

- 12.1 There are not considered to be any consequences with regard to GDPR/Data Protection.
- 12.2 Skate parks, outdoor youth leisure facilities, parks and open spaces can attract anti-social behaviour. However, this is a replacement skate park on the same site as the current leisure facility with established users and so it is not anticipated that there will be any new crime or disorder concerns. If there are any emerging issues these will be managed through the community safety team and alongside our Police partners as they are currently.
- 12.3 There is one CCTV camera that is focused on the skate park and monitoring will continue to be managed by the Police. The lighting around the skate park has been identified for improvement as part of the project to ensure all existing lighting is working, is replaced with LEDs and the key features within the skate park are designed to be in the areas with greatest lighting support.