



Key Decision Report of the Corporate Director of People Services

Officer Key Decision	Date: 2 January 2020	Ward(s): All
-----------------------------	-----------------------------	---------------------

Delete as appropriate		Non-exempt
------------------------------	--	------------

THE APPENDIX TO THIS REPORT IS NOT FOR PUBLICATION

SUBJECT: Contract award for the delivery, operation and facilities management of five (5), or six (6) adventure playgrounds

1. Synopsis

- 1.1 This report outlines the procurement process used to secure providers for the delivery, operation and facilities management of Islington's eleven adventure playgrounds across two separate lots: one lot of five adventure playground and the second lot of six adventure playgrounds. The intention is for this contract to start from 1 April 2020.
- 1.2 The council has undertaken a transparent procurement process in accordance with Rule 2.5 of the council's Procurement Rules to secure appropriate providers from 1 April 2020. The contract award will be for fifteen years, with break clauses every 3 years (3+3+3+3+3) with no option for extension. The advertised estimated total value of the contract for each lot was as follows:
 - **Lot 1:** £8,065,875 over the maximum 180 months' term of the contract based on £537,725 per annum
 - **Lot 2:** £8,509,050 over the maximum 180 months' term of the contract based on £567,270 per annum
- 1.3 The specification requires the appointed providers to deliver high quality adventure play services for children, young people, their siblings and families. Each organisation will provide offers that are free at the point of access and free for children and young people to choose

how they play. The organisations will work closely together, alongside KIDS delivering Hayward Adventure Playground, to ensure a consistent, cohesive and inclusive offer across the borough.

- 1.4 The playgrounds will engage with children and young people through quality adventure play opportunities based on the Playwork Principles and developed through regular consultation, engagement, reflection, review and evaluation of services.
- 1.5 The specification requires the appointed providers to deliver adventure play using an approach that ensures that services are safe, high quality and support children to grow, develop and improve their physical and emotional health and wellbeing. The providers must ensure that they are regarded across professional networks as key partners in supporting the development of stronger, resilient families and communities. In line with the council's commitments to make Islington the best place for young people to grow up, lead healthy and independent lives and create a safe and cohesive borough for all, the providers will also be key delivery partners in Islington's approach to 'earliest help' for children, young people and families.

2. Recommendation

2.1 To award the contract to:

- **Lot 1 (five adventure playgrounds):** Islington Play Association for a period of fifteen (15) years (3+3+3+3+3) commencing from 1 April 2020
- **Lot 2 (six adventure playgrounds):** Awesome ELM CIC for a period of fifteen (15) years (3+3+3+3+3) commencing from 1 April 2020

3. Date the decision is to be taken:

3.1 It is proposed that this decision will be made on 2 January 2020. The decision will be taken under delegated authority to the Corporate Director of People as agreed by the Executive on the 19th September 2019.

4. Background

- 4.1 The council's intention is to secure an offer of adventure play that supports children and young people across all twelve adventure playgrounds, ensuring a strong partnership and cohesive approach to adventure play in Islington. The service specifications emphasise a need to reach more and different children and families than the current offer, while delivering opportunities for excitement, risk and access to nature in a safe and supportive space.
- 4.2 In its budget for 2019-20, the council set out its intention to continue to support a comprehensive offer of adventure play across 12 sites during term time and school holiday periods. All 12 adventure playgrounds are protected in perpetuity for the benefit of children's play through Deeds of Dedication held between Islington Council and Fields in Trust. The current contracts to deliver services across all 12 adventure playgrounds will come to an end on 31 March 2020.
- 4.3 In line with the council's commitment to operate fair and transparent procurement processes and maintain continuity of delivery, the new contracts for the operation of all 12 adventure playgrounds will be aligned. Details of the tendering process for the contract to operate and manage lot 1 and lot 2 of this contract are set out in points 4.5 to 4.9 below.

- 4.4 The appointed providers are required to raise additional revenue through the provision of appropriate, complementary offers from the land and buildings at times when the core offer is not being delivered. The additional revenue is intended to enhance the offer of adventure play for children and young people, expanding and developing what is available. The investment profile is aligned to the council's intention to lever in additional funds and resources to the offer through implementing a range of measures. These include utilising People Services assets to maximise potential commercial income, fundraising, volunteering, corporate sponsorship/social responsibility and tapping into resources across the Islington community.
- 4.5 The procurement was conducted as an Open Procedure consisting of two separate lots. This one-stage process consists of Suitability Assessment questions followed by Method Statement questions that relate to quality and financial criteria by which all bidders are assessed. The entirety of the procurement process was conducted using the e-procurement system via the London Tenders Portal.
- 4.6 The contract was advertised in the Official Journal of the European Union (OJEU). It was also advertised on Islington's website and distributed widely amongst existing networks and channels.
- 4.7 The tender evaluation panel consisted of the Head of Play and Youth Commissioning Services, the Commissioning and Quality Manager Play and Youth and two Commissioning and Quality Officers Play and Youth.
- 4.8 The panel recommended a contract award of the Most Economically Advantageous Tender (MEAT) on the basis of 80% quality and 20% cost. The following criteria addressed the quality and cost elements of the submissions, which were evaluated on the organisations' tender submissions, clarified at interview and via the London Tenders Portal.
- 4.9 One tender for each lot was received. The tender evaluation panel concluded that the tender submitted by Islington Play Association for lot 1 and Awesome ELM CIC for lot 2 were the most economically advantageous tenders. The results of the evaluation are set out in the Exempt appendix to this report.

The criteria that both bids were scored against are as follows:

Cost made up of:

1. Financial forecast in line with the length of the service contract	10%
2. Sustainability, including income generation, fundraising and resources in-kind	10%

Quality made up of:

3. Proposed approach to quality assurance including: proposed systems to ensure services are effectively reviewed and evaluated; reach across the local child and young person population; effective use of data available about service users to effectively plan and deliver the offer; effective communications and marketing	20%
4. Proposed approach to the delivery of playwork on adventure playgrounds in line with the Playwork Principles	10%
5. Proposed approach to safeguarding, early intervention and earliest help including: policies and procedures; staff training and	10%

development; holistic approaches to working with children and families in need of additional support	
6. Proposed approach to partnerships and integrated working (supported by evidence of extensive local knowledge and ability to engage with the local community) including: collaboration with local, regional and national organisations; coordination with other providers of adventure play and wider children’s services including the Islington SEND Local Offer ¹	10%
7. Proposed approach to facilities management, including buildings and the adventure playground environment	10%
8. Proposed business plan including objectives, strategies, marketing and income generation in line with the length of the service contract	10%
9. Proposed approach to contract mobilisation including continuity of service, community engagement, TUPE and staffing considerations, including employment and apprenticeships for local and young people	10%

5. Implications

5.1 Financial implications:

The division has sufficient funding to cover the £1.1m per annum cost covering both providers. The length of the contract for 15 years has risks attached which are mitigated with a break clause every 3 years. Finance also has the option of reviewing providers accounts with an open accounting policy clause in the final contract.

5.2 Legal Implications:

The Council is required under section 507A(1) of the Education Act 1996 to secure adequate recreation and social and physical training facilities for children under the age of 13. This can include the establishment, management and maintenance of playgrounds. When making arrangements, the council must have particular regard to the expediency of cooperating with any voluntary bodies whose objects include the provision of similar facilities or activities (section 507A(3)). The council may enter into contracts with providers of adventure play services under section 1 of the Local Government (Contracts) Act 1997. At its meeting on 19th September 2019 the Executive delegated to the Corporate Director authority to award the contracts on successful completion of the procurement process.

The services being procured are subject to the light touch regime set out in Regulations 74 to 77 of the Public Contracts Regulations 2015 (the Regulations). The threshold for application of this light touch regime is currently £615,278.00. The value of the proposed contracts is above this threshold. It was therefore advertised in the Official Journal of the European Union (OJEU). The council’s Procurement Rules require light touch contracts over the value of £500,00.00 to be subject to competitive tender.

In compliance with the requirements of the light touch regime in the Regulations and the council’s Procurement Rules the contract was advertised in the Official Journal of the European Union (OJEU). Bids were evaluated in accordance with the tender evaluation model and

¹ <http://directory.islington.gov.uk/kb5/islington/directory/localoffer.page?localofferchannelnew=0>

Islington Play Association was found to be the highest scoring tenderer for lot 1, with Awesome ELM CIC found to be the highest scoring tenderer for lot 2. Therefore, the contract may be awarded to Islington Play Association (lot 1) and Awesome ELM CIC (lot 2) as recommended in the report. In deciding whether to award the contract to Islington Play Association and Awesome ELM CIC the Corporate Director for People Services should be satisfied as to the competence of the suppliers to provide the services and that the tender prices represent value for money for the Council. In considering the recommendations in this report Corporate Director for People Services must take into account the information contained in the exempt appendix to the report.

5.3 Environmental Implications

The main environmental impacts of the adventure playgrounds are the use of energy, water, and waste generation on the sites. However, this is kept to a minimum, with ecological efficiencies identified wherever possible. Organisations running adventure playgrounds have a vested interest in ecologically sound practice, with council commissioners ensuring this is adhered to through robust contract monitoring and quality assurance processes in place over the life of the contracts.

It is expected that the letting of these contracts for adventure playgrounds will also have substantive beneficial impact to the local environment. Adventure playgrounds are protected in perpetuity through Deeds of Dedication, meaning that these natural spaces are safeguarded for children's play. The work required through the service specifications for adventure play includes food growing, effective recycling and composting and supporting children, young people and families' understanding of the environment.

Through ensuring that providers are contracted to effectively run quality services and deliver facilities management to a high ecological standard, both providers and commissioners ensure that the environment is integrated across work that takes place at adventure playgrounds on a daily basis. Engagement with stakeholders and partners, including the council's Environment and Regeneration directorate, ensures that biodiversity and eco-friendly activities are incorporated into the services offered for children, young people and families.

5.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 20 November 2018 and the summary is included below. The complete Resident Impact Assessment is appended. The assessment found that through the delivery of a high quality adventure play offer, the council would be securing much needed services for a large number of residents across a range of protected characteristics. The contract aims to benefit even more residents, ensuring that all adventure playgrounds are well used and accessible to a large community of children, young people and

families. The assessment did not find that any communities in Islington would be disadvantaged through the letting of this contract.

5.5 Social Impact:

The service specifications for lots 1 and 2 of this contract include a number of explicit requirements in relation to social value, which have been identified in the proposals submitted by both Islington Play Association and Awesome ELM CIC. These include:

- Supporting local residents with work experience and employment opportunities, which include at least 3 adjusted apprenticeships to support people with disabilities
- Engaging in the '100 hours' World of Work' and '11 by 11' offers
- Providing training to share best practice as well as providing clear pathways for children and young people transitioning from one service to another
- Bringing in additional resources to enhance the offer over the life of the contract, through fundraising as well as creative use of the buildings and land for hires and engaging with volunteers

6. Reasons for the decision

6.1 Approval of the recommendation to award a contract to deliver, operate and manage five (5), or six (6) adventure playgrounds will:

- Ensure effective, safe, ecological and economical management and operation of the setting, including the land, building and adventure play structures;
- Provide continuity of service for children, young people and families, including some of Islington's most vulnerable residents;
- Maximise opportunities to generate additional income that can enhance the borough-wide offer of adventure play for children and young people;
- Ensure continued delivery of a high quality adventure play offer that contributes to the integrated and holistic services available for children, young people and families in Islington, with a focus on early intervention and prevention.

7. Record of the decision:

7.1 I have today decided to take the decision set out in section 2 of this report for the reasons set out above.

Signed by:

Corporate Director, People

Date 17 December 2019

Appendices

- RIA

Report Author: Christine Lehmann
Tel: 020 7527 5645
Email: christine.lehmann@islington.gov.uk

Financial Implications Author: Earl Cardin
Tel: 020 7527 5995
Email: Earl.cardin@islington.gov.uk

Legal Implications Author: Ramani Chelliah
Tel: 020 7527 3084
Email: Ramani.Chelliah@islington.gov.uk