

Cabinet Meeting	
Meeting Date	1 February 2017
Report Title	The Mill Skatepark – Contract Award and Asset Transfer Proposal.
Cabinet Member	Cllr. Duncan Dewar-Whalley, Cabinet Member for Finance and Performance. Cllr Ken Pugh, Cabinet Member for Housing and Wellbeing.
SMT Lead	Emma Wiggins, Interim Director of Regeneration
Head of Service	Charlotte Hudson, Interim Head of Economy and Community Services
Lead Officer	Sophia Ramm, Community Services Officer
Key Decision	Yes
Classification	Open
Forward Plan	Reference number:
Recommendations	<ol style="list-style-type: none"> 1. To approve the appointment of Gravity Engineering Ltd as Design and Build Contractor for the Mill Project for £240,000. 2. To approve contract waiver in Appendix I. 3. To transfer The Mill Skatepark to Brogdale CIC on a 125 year lease. 4. To delegate authority to the Head of Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease to Brogdale CIC, in consultation with the Cabinet Member for Finance and Performance. 5. To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease on the terms as agreed by the Head of Economy and Community Services and the Head of Property Services, in consultation with the Cabinet Member for Finance and Performance.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Cabinet with an update on the progress of The Mill Skatepark and provides recommendations for the award of the design and build contract and for a community asset transfer of The Mill Skatepark to Brogdale CIC.

2 Background

- 2.1 The Council and local stakeholders have for some time held an aspiration to build a skate park in the Sittingbourne area as a way of increasing participation in sport and physical activities and encouraging young people in sporting achievements. A working group was established that worked for over four years to make this a reality.
- 2.2 The project at the outset was led by the Sittingbourne Skate Park Group that included local residents, members and officers of the Council. The group procured support from Groundwork for feasibility work, consultancy and design, and for fund raising.
- 2.3 Sufficient funds were secured to support this project, which were agreed by Cabinet in March 2015. The Council has provided £200,000 for the project and in addition £25k from S.106 contributions has been provided. The remaining funds have been raised by the Sittingbourne Skatepark group to fund the remainder of the project.
- 2.4 There was an aspiration held by Cabinet that a Trust would be established to operate and manage the facility, to ensure sustainability of the project and therefore this was set as a condition to release the funds.
- 2.5 Following discussions with the Sittingbourne Skate Park Group, it was felt that having an established group to take on the running of the park would provide the best chance for this to project to flourish. An active search was then undertaken to find a suitable organisation, which led to the expression of interest received by Brogdale CIC and submission of a business plan.
- 2.6 The plan was considered by the group alongside the Cabinet Member for Finance and Performance. It was agreed that it demonstrated successfully how the park could become a sustainable asset to the Borough and therefore it was decided that Brogdale CIC would operate and manage the facility.
- 2.7 Due to having experienced officers within the Council who have previously managed large construction projects, the Council will support the group by managing the design and build aspect of this project. The skate park would then be transferred to Brogdale CIC in accordance with the Asset Transfer Policy.

Tender process

- 2.7 Economy and Community Services carried out a one stage tender process using the ESPO framework, which comprises of specialist providers for skate parks, based on the most economically advantageous tender (MEAT) which was evaluated on 60% price and 40% quality. The design and build contract is to provide the Mill Project with a skate park design and construction of the park.

- 2.8 The opportunity was advertised on the ESPO framework, in accordance with current contract standing orders, with interested parties asked to complete an Invitation to Tender. Due to one organisation going in to administration, there were only two suitable contractors on the framework who were able to submit a tender. Two tenderers replied and scores were allocated according to the criteria explained in the tender document. As we have only received two compliant tenders a waiver is sought from Contract Standing Orders, Appendix I.
- 2.9 The tenders were evaluated by the procurement panel. The panel consisted of Interim Head of Economy of Community Services, Project Manager and Community Services Officer. Representatives from The Mill Project user group and other young people were invited to evaluate the skate park designs and this was considered as part of the quality score. The tender price and quality scores are shown in the table below.

Organisation	Price Score (Max 60%)	Quality Score (Max 40%)	Total
Gravity	60%	33%	93%
Company B	60%	30%	90%

- 2.10 The panel therefore recommend the appointment of Gravity Engineering Ltd as the Design and Build Contractor for the Mill Project Skatepark for a contract sum of £240,000.

Asset transfer

- 2.11 Upon completion of the build of The Mill Skatepark it is proposed to transfer the skate park to Brogdale CIC in accordance with the Asset Transfer Policy. After an active search to find a suitable body, Brogdale CIC expressed an interest to run and manage the skate park, which enabled the funding to be released, as previously agreed by Cabinet in March 2015. Brogdale CIC has incorporated the Mill Skatepark working group into their structure and also formed a Young People Advisory Board to ensure that the project incorporates their requirements and the voice of young people. Brogdale CIC has also produced and adopted a business plan for the Mill Project and is in the process of developing all the relevant policies to operate the skate park.
- 2.12 Brogdale CIC has requested a 125-year leasehold agreement based upon a nominal rent and from their business plan have requested a grant of £14,000 in year 1 and £6,000 in year 2. This funding has been secured from the Communities Fund.
- 2.13 The Heads of Terms will be in-line with the principles of the asset transfer policy.

3 Proposals

- 3.1 To approve the appointment of Gravity Engineering Ltd as the Design and Build Contractor for the Mill Project Skatepark for a contract sum of £240,000.
- 3.2 To approve the contract waiver, based on only having two suitable providers on the procurement framework as shown in Appendix I.
- 3.3 To transfer The Mill Project Skatepark to Brogdale CIC on a 125 year lease.
- 3.4 To delegate authority to the Head of Economy and Community Services and the Head of Property Services to negotiate the final terms of the lease, in consultation with the Cabinet Member for Finance and Performance.
- 3.5 To delegate authority to the Head of Mid Kent Legal Services to complete the documentation required for the lease if applicable on the terms as agreed by the Head of Economy and Community Services and the Head of Property Services, in consultation with the Cabinet Member for Finance and Performance.

4 Alternative Options

- 4.1 The skate park is not built; this is not recommended as there is an identified need for the skate park and funding for the project in place.

5 Consultation Undertaken or Proposed

- 5.1 Consultation around the design of the skate park has been undertaken with the user group to identify how suitable the submitted designs were and highlight any gaps.
- 5.2 Consultation with the user group will continue after appointment of contractor to ensure that a top quality skate park is delivered, in consistent demand and use.

6 Implications

Issue	Implications
Corporate Plan	The completion of The Mill Skatepark assists in delivering the 'Community to be Proud of' priority within the corporate plan.
Financial, Resource and Property	The Council has provided £200,000 for the project and in addition £25k from S.106 contributions has been provided. The remaining funds have been raised by the Sittingbourne Skatepark group to fund the remainder of the project.

	<p>A project manager is in place to oversee the project.</p> <p>Officer time will be required from Legal and Property services to draw up the lease and grant agreement.</p> <p>As the land has been acquired through s106 agreements there are no benefits or liabilities to the Council and therefore no financial implications relating to the community asset transfer. For this reason, and in accordance with the Community Asset Transfer policy, it has been unnecessary to obtain a valuation of the asset.</p>
Legal and Statutory	<p>The contract will be the standard ESPO framework contract that is compliant with the Council's current Terms and Conditions.</p> <p>That the Head of Mid Kent Legal Services is authorised to complete the documentation required for the lease if applicable on the terms as agreed by the Head of Economy and Community Services and the Head of Property Services</p>
Crime and Disorder	<p>Design of the skate park has taken into consideration designing out crime.</p> <p>Good management of the park will reduce the likelihood of damage and antisocial behaviour.</p>
Sustainability	<p>Design of the park has taken into consideration within the constraints of budget environmental and sustainability issues.</p> <p>The skate park will be managed by Brogdale CIC in the future and a commuted sum will be provided towards future maintenance and running costs. The preferred supplier also provides a 10 year warranty for the skate park.</p>
Health and Wellbeing	<p>The skate park will offer a space for people of all ages to access and also offer a range of activities which will enhance the health and wellbeing of residents in the borough.</p>
Risk Management and Health and Safety	<p>CDM 2015 regulations apply and will be monitored throughout the construction of the skate park.</p>
Equality and Diversity	<p>Design of the skate park ensures that it is compliant with the Disability and Discrimination Act.</p>
Social Value	<p>Contractor will work with Brogdale CIC and their agricultural students to provide onsite experience.</p>
Commissioning & Procurement	<p>The ESPO Framework was utilised as it is compliant with the Councils Contract Standing Orders and relevant Public Contract Regulations 2015.</p>

7 Appendices

The following documents are to be published with this report and form part of the report:

- Appendix I: Waiver request Design and Build The Mill Skatepark

8 Background Documents

- Cabinet Report, March 2015