



Report for: Cabinet

Date of Meeting:	19 December 2023
Subject:	Procurement Action for Silk Stream & GLA Chandos Recreation Ground
Key Decision:	No
Responsible Officer:	Dipti Patel, Corporate Director Place Cathy Knubley, Director of Environment
Portfolio Holder:	Councillor Anjana Patel - Portfolio Holder Highways, Infrastructure & Community Safety Councillor David Ashton - Portfolio Holder for Finance and Human Resources
Exempt:	No, except for appendices A, B, C and D which are exempt by virtue of Paragraph 3 of Schedule 12A of the Local Government Act 1972 because they contain information relating to the financial & business affairs of the council.
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A. AfSS EA Outline Business Case Appendix B. AfSS Community & Business Engagement Strategy Appendix C. Program Appendix D. Defra & GLA Funded Area Plan

Section 1 – Summary and Recommendations

This report requests authority from Cabinet to commence a procurement exercise for the construction phase of the Action for Silk Stream (AfSS) Chandos Recreation Ground major park and infrastructure improvements.

Recommendations:

Cabinet is requested to:

1. Grant approval to commence a procurement exercise, subject to consultation with the Portfolio Holders for Highways, Infrastructure & Community Safety and the Portfolio Holder for Finance and Human Resources, for the selection of a provider to deliver the Chandos Recreation Ground major park improvements.
2. Delegate authority to the Corporate Director for Place, following consultation with the Portfolio Holders for Highways, Infrastructure and Community Safety and Finance and Human Resources to commence a joint procurement of a provider for major river and park wide improvements to Chandos Recreation Ground.
3. Delegated authority to the Corporate Director for Place, following consultation with the Portfolio Holders for Highways, Infrastructure and Community Safety and Finance and Human Resources to approve and make any changes required to the tender evaluation criteria or specification.
4. Delegate authority to the Corporate Director of Place, following consultation with the Portfolio Holders for Highways, Infrastructure and Community Safety and Finance and Human Resources and the Director of Finance, following a competitive and compliant procurement process, to award and appoint a supplier for the £2.5m Chandos Recreation Ground major river and park improvements commencing spring 2024 for a 9-month construction phase period.

Reason: (For recommendations)

To ensure the Council fulfils its Flood Water Management Act 2010 statutory responsibilities by undertaking major flood resilience works to the Edgware Brook and improvements to the landscape, footpaths, car park, entrances and play area in Chandos Recreation Ground.

Section 2 – Report

Introductory paragraph

- 2.1 In 2010 the Flood and Water Management Act became law designating Local Authorities as Lead Local Flood Authority (LLFA) requiring them to develop local flood risk management strategies, investigate flooding and manage risk of flooding from surface water, groundwater and ordinary watercourses and lead on community recovery.

The LLFA must also designate, inspect, and protect flood defence assets which include our 82kms of rivers, 70 flood defence and 12 flood storage areas.

- 2.2 In March 2021 LB Barnet in partnership with the Council were awarded £6m over 6 years to reduce flood risk and increase flood resilience in the Silk Stream catchment the pioneering Defra Flood, Resilience and Innovation program [Flood and coastal innovation programmes – GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/programmes/flood-and-coastal-innovation-programmes).

Our project is delivering new innovative funding frameworks from ecosystems, natural capital, and green financing in partnership with the private sector. Developing innovative approaches to community engagement and stewardship to deliver integrated land management measures interventions to reduce flood risk at a hydrological catchment scale.

The project economic case for investment has been approved by the Environment Agency (EA) to deliver nature based urban drainage solutions, improve flood resilience, amenity, habitat, biodiversity, water, and air quality, and increase awareness, knowledge, and support from local communities through a program of engagement. Appendix A. section 1 page 9-14 AfSS EA Outline Business Case that sets out the strategic, economic, commercial, financial, management cases and recommendations.

A further successful grant application of £600k was made to the GLA Green Resilient Spaces Fund [Green and Resilient Spaces Fund – Round Two | London City Hall](#) for Chandos Recreation Ground (Harrow) and Watling Park (Barnet) to deliver the wider park infrastructure improvements.

- 2.3 We have completed 2 years of community engagement including consultation and co design workshops with residents from both Barnet and Harrow, parks users and friends' groups from both Barnet and Harrow and Ward Councillors and Portfolio Holders from both Barnet and Harrow during development phase.

Working with both Barnet and Harrow Communication teams a communications and engagement strategy and plan in Appendix B.

has been running to communicate, monitor and evaluate project to measure progress and successes on both Barnet and Harrow websites [Action for Silk Stream | Barnet Council](#) and [Action for Silk Stream – London Borough of Harrow](#).

Behind the strategies there are community engagement and business action plans, lesson learnt, stakeholder mapping and analysis and community and co design mapping that both residents, park users and Councillors in both Barnet and Harrow have participated. Appendix B. AfSS Community & Business Engagement Strategy.

Design, cost estimating, technical specification is nearing completion for the first 2 largest works projects at Chandos Recreation Ground (Harrow) and Watling Park (Barnet) will be ready for the construction delivery phase in spring 2024. Page 4 rows 565-576 of Appendix C. AfSS Program.

Works will include modifying the rivers to improve flood storage, moving and reshaping rivers to a more sinuous shape as opposed to their existing straight canalise form to naturalise to better manage dry weather and flood flow conveyancing which will also improve water quality, habitat for wildlife, bank and channel erosion protection, access for community water related educational activities.

Following a long list exercise was undertaken to identify all opportunities within the catchment to meet the overall objectives of the project. The schemes of planned catchment interventions are set out in. Table E Page 33-39 of Appendix A. Outline Business Case.

- 2.4** A further successful 2 year grant application of £600k was made to the GLA Green Resilient Spaces Fund [Green and Resilient Spaces Fund – Round Two | London City Hall](#) for Chandos Recreation Ground and Watling Park to deliver wider park infrastructure improvements. Appendix D. DEFRA & GLA Funded Areas
- 2.5** Communities, park users and the Highways Infrastructure and Community Safety Portfolio Holder and Ward Councillors in Barnet and Harrow have been involved in engagement activities throughout the project development phase including consultation and co design workshops.
- 2.6** An Executive Board led by LB Barnet is in place for the 6-year term of the AfSS project with quarterly meetings and monthly operational and project team meetings.

Options considered

2.7 The following options were considered:

Option 1: The London Borough of Harrow to conduct an Open tender process.

Option 2: is the preferred option for a joint procurement exercise through My Tenders and Contract Finders facilitated by The London Borough of Barnet and on behalf of the London Borough of Harrow. The tender will be advertised through their procurement portal www.barnetsourcing.co.uk as it will enable both Councils the opportunity to cooperate in one procurement and set out its own specific requirements and an evaluation mechanism that will provide the maximum opportunity for a best value contract.

Ward Councillors' comments

None as it will impact all Wards

Risk Management Implications

The risk associated with this procurement is mainly financial and relates to the Council being unable to find suitable affordable proposals. This risk will be managed in the procurement process via an evaluation mechanism that provides the balance between price and quality.

Risk included on Directorate risk register? No
Separate risk register in place? Yes

The relevant risks contained in the register are attached/summarised below and are included in Appendix A section 6.6 Key Risks and Change Management page 69.

The following key risks should be taken into account when agreeing the recommendations in this report:

Risk Description	Mitigations	RAG Status
The Council is unable to find financially suitable supplier within cost estimate provided in tender	<ul style="list-style-type: none"> ▪ Undertaking a competitive tender exercise will generate competition and deliver best in market value. 	GREEN
Costs increase on the project due to supply and inflationary pressures	<ul style="list-style-type: none"> ▪ Accurate cost estimating and use of a JCT CDP (Joint Contracts Tribunal Contractor Designed Portion) contract will enable to project team to work closely with the contractor on discreet components of the works. However the main responsibility will remain with the project team, the Quantity Surveyor (QS) and contract administrator to control costs ▪ Any increase in project costs will be met by Defra 	GREEN
The project fails to deliver customer and resident satisfaction	<ul style="list-style-type: none"> ▪ Community engagement has been delivered throughout the first 3 years of the project and will continue throughout the following 3 years of the 6-year project to ensure it delivers for the community 	GREEN

Procurement Implications

It is proposed that the best way forward is for the London Borough of Barnet to facilitate a joint procurement as detailed in Section 2.7.

A joint procurement with the London Borough of Barnet will be more efficient by reducing time and costs and provide continuity in delivery for the wider catchment outcomes as opposed to two separate procurements. This approach will also reduce time and costs for bidders which is expected to be reflected in the pricing. The intention is to tender two Lots and award one contract per Lot with the relevant Authority.

Lots:

- Lot 1 Watling Park (Barnet)
- Lot 2 Chandos Recreation Ground (Harrow)

Organisations will be able to tender for both projects as a single or joint award on the understanding that both Chandos Recreation Ground and Watling Park must commence and be delivered at the same time.

The Tender documents will also reserve the right to not award both Lots to a single bidder and defer to the second placed bidder should a robust delivery plan and program not be provided by a single winning bidder during the evaluation.

The estimated contract value is below the Public Contract Regulations 2015 threshold for works. As such the Procurement will be conducted by London Borough of Barnet as a compliant process consistent with the Councils Contracts Procedure Rules (CPR's). The award of the contract is also subject to the Council's own Standing Orders in respect of high value contracts and Financial Regulations. As a result, Cabinet approval will be required to delegate authority for the award of the contract.

The tender documents are currently being developed by The London Borough of Barnet and will be finalised up until to the date of publication. It is therefore requested for delegated authority to the Corporate Director for Place, following consultation with the Portfolio Holders for Environment and Community Safety and Finance and Human Resources to approve and make any changes required to the tender criteria or specification.

The proposed high-level evaluation criteria for this procurement are weighted at 40% price, 50% quality and 10% Social Value.

An indicative timetable for the procurement is shown in Table 1 – Indicative Procurement Timetable below.

Table 1 – Indicative Procurement Timetable

Timing	Activity
05/12/2023	Cabinet Report to authorise procurement
02/01/2024	Issue Invitation to Tender
26/02/2024	Receive Tenders
27/02/2024	Evaluate and moderate Tenders
05/03/2024	Contract Award Decision
12/03/2024	Issue notice of award and commence standstill period
26/03/2024	Contract Mobilisation, Transition and Take-On Period
02/04/2024	Contract Start Date

Legal Implications

The Cabinet report is seeking approval to commence a tender activity. In accordance with the Council's Contract Procedure Rules (CPRs), (Table 1 Authorisation and Acceptance Thresholds) approval to procure contracts with a value of £500k plus should be obtained by completing a Cabinet Report and having a Cabinet decision prior to any tender activity commencing.

The estimated contract value is below the financial threshold for public works set out in Regulation 5 of the Public Contract Regulations 2015 (PCRs) and therefore does not require a formal procurement exercise in accordance with Section 3 of the PCRs. Nonetheless the other provisions of the PCRs still apply and the London Borough of Barnet will conduct a procurement process which is compliant with the PCRs and consistent with the Councils CPRs.

Paragraph 4.2 of the Council's CPR's state that; '*Where the Council is entering into a Contract... in collaboration with another public body or organisation, these Contract Procedure Rules apply only in so far as they are consistent with the requirements of the organisation with whom we are collaborating*'. The CPR's are consistent with the procurement process being conducted by the London Borough of Barnet.

The procurement process as set out in this report complies with the PCRs and the Council's CPRs.

Financial Implications

Table 2 – Finance Profile

The contract value for Lot 2 (Chandos Recreation Ground) of this joint procurement is estimated at £2.5m. This will cover works for Harrow boundary, funded by DEFRA's Silk Stream Flood Resilience Innovation project, the GLA's Green and Resilient Spaces Fund, and the Council's Borough Community Infrastructure Levy (BCIL) match fund. The funding sources of the contract are summarised below.

Project	DEFRA funding	GLA funding	BCIL match fund	Total
Chandos Rec Ground		£0.240m	£0.200m	£0.440m
Edgware Brook in Chandos Rec Ground as part of the Silk Stream Flood Resilience Innovation project (Barnet led)	£2.060m			£2.060m
Total	£2.060m	£0.240m	£0.200m	£2.500m

The Chandos Recreation Ground project has been included in the Capital Programme with a total budget allocation of £0.5m, funded from the GLA (£0.3m) and BCIL (£0.2m). £60k has been committed to the development phase in 2023/24. The remaining £440k will be utilised in construction delivery phase which is part of this procurement.

The Silk Stream Flood Resilience Innovation project is led by Barnet with a total funding award of £6m by the DEFRA, but the geographical area of the project also covers some within Harrow boundary i.e., Edgware Brook. Therefore, the scope of the procurement includes this element of work with an estimated cost of £2.060m.

The improvement works in Chandos Recreation Ground is expected to reduce both revenue and capital burdens for the Council. The project will deliver nature-based solutions to reduce future ongoing maintenance. Opportunities are also being explored with a Green Financing consultant to secure private section income to provide future revenue funding for maintenance in the Silk Stream catchment parks.

Equalities implications / Public Sector Equality Duty

There are no equalities implication to this decision.

Council Priorities

The Council's vision:

Restoring Pride in Harrow and Putting Residents First

The proposal meets the Council's vision to restore pride in Harrow and put residents first. Good maintenance of public parks and rivers greatly enhances Boroughwide appearance, amenities, and public safety. The procurement also ensures the continuation of the range of environmental, health and social benefits that parks and rivers provide and will achieve Green Flag status.

Section 3 - Statutory Officer Clearance

Statutory Officer: Jessie Man

Signed on behalf of the Chief Financial Officer

Date: 09/11/23

Statutory Officer: Patricia Davila

Signed on behalf of the Monitoring Officer

Date: 14/11/2023

Chief Officer: Dipti Patel

Signed by the Corporate Director

Date: 15/11/2023

Head of Procurement: Martin Trim

Signed off on behalf of Head of Procurement

Date: 06/11/23

Head of Internal Audit: Neale Burns

Signed on behalf the Head of Internal Audit

Date: 13/11/23

Has the Portfolio Holder(s) been consulted? Yes

Mandatory Checks

Ward Councillors notified: Yes the Edgware Ward Councillors have been notified and commented in Ward Councillor comments

EqIA carried out: NO

There are no equalities Implication to this decision as covers all Wards and residents

Section 4 - Contact Details and Background Papers

Contact: Michael Bradshaw Flood Risk Manager
michael.bradshaw@harrow.gov.uk

Background Papers: None

Call-in waived by the Chair of Overview and Scrutiny Committee: NO