

AGENDA ITEM 8

<p>TITLE OF REPORT: ABNEY PARK RESTORATION PROJECT - MAIN CONTRACT</p> <p>CONTRACT APPROVAL</p> <p>LOW RISK</p> <p>Key Decision No.NH R98</p>	
<p>CPIC MEETING DATE (21/22)</p> <p>7 June 2021</p>	<p>CLASSIFICATION:</p> <p>Open with Exempt Appendices A - C</p> <p>By Virtue of Paragraph(s) 3 Part 1 of schedule 12A of the Local Government Act 1972 appendices A, B, and C are exempt because they contain Information relating to the financial or business affairs of any particular person (including the authority holding the information) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>If exempt, the reason will be listed in the main body of this report.</p>
<p>WARD(S) AFFECTED</p> <p>Stoke Newington</p>	
<p>CABINET MEMBER</p> <p>Cllr Caroline Woodley - Cabinet Member for Families, Early Years, Parks and Play</p>	
<p>KEY DECISION</p> <p>Yes</p>	

REASON

Spending

GROUP DIRECTOR

Ajman Ali - Group Director, Neighbourhoods and Housing

1. CABINET MEMBER'S INTRODUCTION

- 1.1 This Report sets out recommendations to support the contractual engagement of Supplier A to deliver the Abney Park Restoration Project.
- 1.2 The construction and restoration works will restore and bring back into use the Grade 2 Listed Lodges and the Chapel. Once restored, the Chapel will be available to hire for events, weddings and community use. One Lodge will contain a meeting space and an office for council staff and the Abney Park Trust staff. The other will be linked to the new building and will act as an overflow space for cafe seating or events. A new cafe and community education space will be built for community use and public hire, which will bring additional income into the Park and provide a much needed venue space in the local area. Two new workshops/retail units will also be created which will be available to rent. All elements of the scheme have been subject to extensive consultation with the key stakeholders.
- 1.3 The Project will also deliver landscaping improvements to the Park, including the redesign of the Church Street entrance to make it accessible. As well as being one of the 'Magnificent 7' cemeteries in London, Abney Park is also Grade 2 Listed, a Local Nature Reserve (LNC) and a Site of Importance for Nature Conservation (SINC) so it is vital that the unique landscape and biodiversity is carefully restored and protected for future generations to appreciate and enjoy.
- 1.4 The National Lottery Heritage Fund (NLHF) has awarded a total grant of £4,411,400 to the project for the capital works and revenue costs. The budget for the main contract is £3,689,676. Once the construction and landscaping works are complete, the Parks and Green Spaces Service will deliver the Activity Plan, agreed with the NLHF, which will include the following:
 - Community Engagement Programme
 - Healthy Living Activities

- Schools Engagement, including learning outside the classroom
- Training and Skills Development Opportunities
- New Volunteering Opportunities and Training

1.5 In conclusion, the restoration of Abney Park will not only save and improve its historically important landscape and buildings, long term, it will make the Park more financially sustainable, create a space for the local community and Park users to come together and deliver a whole host of activities that will encourage healthy living, help people into work and to gain skills for life.

2. GROUP DIRECTOR'S INTRODUCTION

2.1 Following a competitive procurement process, this Report seeks approval to appoint a contractor to deliver the restoration project in Abney Park.

The project will deliver the following:

- Restoration of the Grade 2 Listed Lodges
- Restoration of the Grade 2 Listed Chapel
- Construction of a new cafe and community education space
- Restoration and improvement of the landscape of the Park
- Pathway and entrance improvements.

3. RECOMMENDATION(S)

Cabinet Procurement & Insourcing Committee is recommended to:

3.1 **Approve the appointment of Supplier A (as shown in Exempt Appendix B) to deliver the Abney Park Restoration Project. The scope of the project includes restoration of Listed buildings, the construction of a new cafe and community education space and improvements to entrances and the Grade 2 Listed landscape. The anticipated construction period is twelve months, therefore if the contract commences in July 2021 it will be completed by July 2022.**

4. RELATED DECISIONS

- **Abney Park Restoration Project Business Case** – Approved by the Director of Public Realm, Neighbourhoods and Housing 05 November 2020.
- **Planning Permission Granted** – Ref. No 2019/2966, 13 November 2019.
- **Listed Building Consent Granted** – Ref. No 2019/3177, 13 November 2019.

5. REASONS FOR DECISION/OPTIONS APPRAISAL.

- 5.1.1 This Report requests the approval of CPIC to award the contract to deliver the restoration of the buildings and landscape of Abney Park.
- 5.1.2 Covering 12.5 hectares, Abney Park is one of Hackney's most important green spaces and listed as a Grade II Park on the Historic England Register of Parks and Gardens of Historic Interest. As one of the 'Magnificent 7' cemeteries in London, it is the resting place of around 200,000 people in approximately 60,000 graves, fourteen of which are listed. The graves range from elaborate monuments to path side common grave markers. No longer a working cemetery, Abney Park is run as a Park and is a Site of Metropolitan Importance for Biodiversity. It is one of London's most central woodlands and an important site for deadwood invertebrates and fungi.
- 5.1.3 The decision to make an application to the NLHF for the Abney Park Restoration Project was made following a recommendation by the Abney Park Development Board. The Abney Park Development Board was set up following the Council's resumption of the management of Abney Park. The overall aim of the Abney Park Development Board is to advise the Council in identifying how Abney Park can continue to be managed and developed in order to deliver a site that reflects the needs of the local community, whilst celebrating its built and cultural heritage as a historic landscape and its significant biodiversity value as a woodland.
- 5.1.4 Abney Park is in urgent need of investment to reverse years of neglect that have left many significant historical assets on the brink of ruin. The NLHF, and in particular the Parks for People program to which the funding bid was submitted, were the only funder able to provide the scale of investment needed at Abney Park. The application was written by the Abney Park Manager in collaboration with an external design team and submitted in September 2017. In December 2017 the Council was informed that it had been successful at round one of the funding application process.
- 5.1.5 The NLHF awarded the Council a grant of £314,300 towards the Development Phase of the project in January 2018. Work undertaken during the Development Phase included the appointment of a Design Team, the production of a Conservation Plan, Business Plan, Activity Plan, a Project Timetable and Design Specification.
- 5.1.6 The Development Phase of the project included numerous consultation exercises with the public and stakeholders to ensure that the desires and requirements of local people and communities were incorporated into the aims and design of the project. Planning for the Activity Plan will begin in the last six months of the construction work so that the planned activities such as volunteering, historic and themed walks and talks, community events, forest

school training and open studios can commence as soon construction is completed.

- 5.1.7 The NLHF awarded the Council a grant of £4,411,400 in December 2019 towards the Delivery Phase of the Abney Park Restoration Project. The Delivery Phase will include the restoration of the Grade 2 Listed Lodges and Chapel, improvements to the entrances to increase accessibility, improvement to the Grade 2 Listed landscape to increase biodiversity, the construction of a new cafe and community/education space and two new workshops/retail units.
- 5.1.8 The restored Chapel, managed by the Council's Venues Team, will be available to hire for community use, events and weddings. The new community education space will also be available for hire and the two new workshops/retail units will be available for rent. Other potential income streams include external events and corporate and social volunteering.
- 5.1.9 The project will also see creation and implementation of a full activity plan for Abney Park and a new management system that will see two new staffing roles created. All the positions will be funded in the first instance by the NLHF grant with the aspiration that the Park will generate enough income to fund them in the long-term.
- 5.1.10 The overall cost and budget is summarised in Section 6.2.1 of this report.
- 5.1.11 The Project requires no additional funding. The project is being funded by the NLHF, the Abney Park Capital Budget and non-cash contributions, such as volunteer time.
- 5.1.12 This Procurement has been carried out in accordance with the process in the project's detailed Business Case Report which was approved by the Director of Public Realm in November 2020. The project tender value is below EU Procurement thresholds for works contracts.
- 5.1.13 The Business Case agreed a traditional procurement route to allow the Council to remain in ultimate control of the design in its entirety and to help increase cost certainty.
- 5.1.14 The decision to undertake a Restricted (two stage) tender was taken because the introduction of a Selection Questionnaire (SQ) enables project specific questions to be asked of the bidders with a view to reducing the number of contractors that can bid for the works and ensure that the contractors have the relevant qualifications and experience of working on Listed Buildings and in parks. The top six bidders, based on their responses to the SQ were invited to tender.

5.1.15 The contract deliverables were enshrined within the tender documents and specifications that will form the contract. The contract will include the pre-construction information that will form the basis of the Construction Phase Plan for the works. This must satisfactorily address considerations of environmental protection and health and safety. The tender documents also included specific provisions around the protection of graves and ancient monuments, the protection of trees under the relevant British Standard and the requirement for the contractor to comply with the The Wildlife and Countryside Act 1981 and NJUG Guidance at all times.

5.1.16 In line with the Public Contract Regulations (PCR) 2015 and Council's Contract Standing Orders (CSOs), the tender was advertised on Contracts Finder and London Tenders Portal to ensure that the procurement principles of transparency, fairness and competition were achieved by offering the opportunity to as larger number of bidders as possible.

6. PROJECT PROGRESS

6.1 Developments since the Business Case approval

6.1.1 None.

6.2 Whole Life Costing/Budgets:

6.2.1 The overall projected project budget is summarised in the table below:

Capital Cost	£
Construction Tender Cost	3,700,000
Other Construction Costs - Equipment, Material and Interpretation	134,000
Other Costs - Community Infrastructure Levy (CIL)	8,750
Contingency	321,242
Professional Fees	426,257
Increased Management and Maintenance	64,888
Volunteer Time	57,500
Capital Delivery Costs	4,712,637
Revenue Cost	£
Revenue Activity Plan Delivery Costs	566,467

Activity Plan and Staff Costs Inflation	44,708
Revenue Delivery Cost	611,175
Total Project Delivery Cost	£5,323,812
Project Funding	£
LBH Capital Budget	710,000
LBH Other	80,024
LBH Non Cash Contributions (Increased Management and Maintenance Cost and Volunteer Time)	122,388
HLF Grant	4,411,400
Total Project Funding	£5,323,812

6.3 SAVINGS

6.3.1 There will be no significant impact on cashable savings, though the Project Team sought best value for money wherever possible through the design and procurement process.

7. SUSTAINABILITY ISSUES

7.1 Procuring Green

7.1.1 The demolition and construction work will potentially have an adverse impact on the local environment. Building on any green space brings with it a set of environmental implications (potential loss of green space, impact on local aesthetics etc). Additionally, any building project has implications for local liveability (noise, dust, air pollution etc). These issues have all been fully assessed during the Planning and Listed Building Consent process. Working hours will be restricted and any disruption during the course of the works will be carefully managed, monitored and clearly communicated so that any disruption will be kept to a minimum.

7.1.2 A Conservation Management Plan was produced during the Development Phase of the project which identified what environmental surveys were required. Ecologists were appointed to undertake Bat and Biodiversity surveys to ensure that the impact of the construction and landscaping on the wildlife

and natural environment is minimised. An Arboricultural Impact Assessment and Method Statement has also been produced to ensure that the impact on the trees in the park is carefully managed.

7.1.3 The Planning Conditions associated with the permission and Listed Building Consent require significant detail about how the project will be managed to reduce the impact on the environment for example the following is required: external lighting plan, requirement for tree replacement, requirement for bat and bird boxes, operational management plan, parking management plan, construction management plan, construction logistics plan and dust management plan. A Biodiversity Advisor will be appointed to oversee work on site and to liaise with the main contractor to ensure that everything is done to minimise the impact of the works on the wildlife and natural habitat of the Park.

7.1.4 The tender documents were written such that the contractor was required to have a good track record of environmental management and suitable environmental accreditations, for example they should be members of the Considerate Contractors Scheme. There is a potential for recycling of waste materials from the construction and demolition which could reduce project costs, the volume of waste materials going to landfill and the carbon footprint from manufacturing and transportation. In view of this, the tender process ensured that the contract will include proper environmental procedures and during the work on site there will be regular monitoring including a requirement for the contractors to submit details of their proposal for the removal and disposal of any waste materials in a Demolition and Construction Management Plan. KPI's relating to the above environmental considerations, such as reporting on waste management, transportation and local sourcing of materials will also be included in the contract.

7.1.5 Supplier A has committed to providing a dedicated Sustainability Manager who will manage all environmental reporting and KPI's and oversee all environmental protection issues. Supplier A has set environmental targets including reduced waste, carbon emissions, energy and water consumption, zero environmental complaints, zero abatement/clean up notices and zero pollution incidents. The Sustainability Manager will deliver tool box talks to all operatives and subcontractors to ensure that they are aware of their responsibilities with regards to the above targets and other environmental considerations such as the avoidance of ground water pollution and management of environmentally hazardous materials. Supplier A will have a Site Waste Management Plan in place which will monitor all recycling and waste from the site.

7.2 Procuring for a Better Society

7.2.1 There will be no significant adverse economic impacts from the restoration of Abney Park. However the project does include the creation of a new cafe

which could potentially take away business from existing local cafes. It is anticipated that the increase in visitor numbers to Abney Park will mitigate against this impact, also the café will provide employment opportunities. The tendering process for the café will be inclusive as to encourage local businesses to apply.

7.2.2 The new building will not only house the new cafe, it will contain a multifunctional space for educational and community use which will also be available to hire for events. The Chapel is going to be restored so that it can be hired out for events such as weddings and concerts which will generate further income for the Park. The restored Chapel will be managed by the Council's Venues Team.

7.2.3 It should be noted that it may not be possible to undertake apprenticeships as part of this contract due to the estimated construction period being only one year. However, as part of the qualitative evaluation criteria under the heading 'Economic and Added Value Sustainable Innovation', bidders were asked to confirm the following:

- What proposals they had to positively impact on the recruitment of labour from local communities and residents of the borough, including from disadvantaged groups and its priority groups such as BAME communities; people with disabilities; unemployed youth (aged 18-24) and women.
- How they planned to liaise with local employment/training schemes to provide opportunities for the local community.
- What other training and work experience opportunities, e.g. Advanced Health and Safety Training, plant training, personal development and student (University and Secondary school) work experience placements, mentoring, learning opportunities for students, or other appropriate opportunities.

7.2.4 Supplier A has committed to their Community Liaison Manager and Contracts Manager delivering on a number of social value commitments by engaging with local organisations in Hackney, such as the Hackney Youth Employment Hub, to offer trade apprenticeships and work experience placements to 14-17 year olds. Supplier A will advertise all available positions in local job centres and they will also offer places on all training courses and workshops held on site to local people. Their HR Team will offer careers advice and employment support such as CV writing to those on work experience or apprenticeships. Supplier A has also offered to contact local schools to offer Hard Hat Tours, work experience for students over 16 years of age and to offer curriculum related activities such as maths exercises related to the project's construction involving their surveyors and engineers and art competitions such as basic colouring for primary schools and hoarding artwork for more senior schools.

7.2.5 As part of the wider regeneration project there will be an opportunity for the engagement of the local community and schools to help design the new

stained glass window for the rose window of the Chapel. There will also be opportunities for local school children to learn about the biodiversity that can be found in the unique habitat of Abney Park.

7.3 Procuring Fair Delivery

- 7.3.1 There will be no adverse equality issues resulting from the restoration of the Park and the construction of the new building. The project will have a positive impact on the local community as the existing Park does not fully fulfil the needs of the local community in the Stoke Newington ward. The buildings and landscaping will meet all relevant British Standards and Regulations and be compliant with the Equality Act 2010 .
- 7.3.2 The Abney Park Restoration Project will enable more people to enjoy Abney Park. Access to the Park will be greatly improved allowing those for whom Abney has always been inaccessible, particularly the elderly and those with physical disabilities, to enjoy the site. A new program of events and activities will reach out to parts of the local community that have not, historically, engaged with the site. Abney Park also has a rich black history that the project will explore and promote.
- 7.3.3 The Abney Park Restoration Project will deliver a range of inclusive learning, skills and health benefits to the local community. There will be increased access and site information for all visitors, improved landscape and biodiversity for local interest groups and increased opportunity for educational programs for all ages.
- 7.3.4 The main contractor and their subcontractors will be required to comply with the Modern Slavery Act and they will have to confirm that they have a whistle blowing policy for their staff.
- 7.3.5 The preferred Supplier A has confirmed that they will pay the London Living Wage at the applicable age and rate, as well as applying this to all firms in their supply chain.
- 7.3.6 Equalities issues were addressed in the standard Selection Questionnaire (SQ) stage of the tender process. The requirement for Contractors/Suppliers to comply with the Equalities Act was incorporated into the Tender and will be incorporated into the Contract documents.

8. ALTERNATIVE OPTIONS (CONSIDERED AND REJECTED)

- 8.1.1 **Option 1 - Do Nothing:** The option of doing nothing was considered, however this was not pursued as the buildings within the Park would have continued to decline and fall into further disrepair. In addition, any potential revenue generating opportunities to make the Park more sustainable would have been lost. It was decided that a NLHF grant offered the only realistic

opportunity of addressing issues of long-term decline as the council does not have the resources to pay for the substantial capital works required.

8.1.2 Option 2 - Appoint Two Contractors: The option of appointing two contractors, one to deliver the restoration and new build works and a second to deliver the specialist stone conservation works was considered. However it was decided that this option would unnecessarily complicate the arrangements on site as there would be issues with shared access, scaffolding and the general logistics of having two contractors on site at the same time. There were no benefits in terms of saving time or money to running two separate contracts therefore this option was not taken.

8.1.3 Option 3 - Utilise a Framework: The option of using a framework to procure a contractor was considered however there is no framework available to the project team that would be suitable for the proposed contract, therefore this option was not taken. Examples of frameworks discounted due to the types of works were PAGABO, London Housing Consortium and South East Consortium.

8.1.4 Option 4 - Insourcing: Insourcing was not an option for this contract because the Council does not have the resources to deliver a building contract.

9. TENDER EVALUATION

9.1 Evaluation:

9.1.1 The Invitation to Tender (ITT) was advertised on Contracts Finder and London Tenders Portal via Pro-Contract, the Council's e-procurement system, as a 2 Stage (Restricted) Tender. Stage 1, the pre-qualifying stage, consisted of a Selection Questionnaire (SQ) which bidders had to pass before being invited to tender.

9.1.2 The SQ and draft ITT documents were uploaded to ProContract on the 3rd December 2020. The submission deadline for the SQ was 18 December 2020.

9.1.3 In addition to the standard SQ questions that the contractors either passed or failed, the evaluation team produced project specific questions to evaluate the quality of the contractors. The headings and weightings of the project specific questions are listed below:

- Historic Buildings and Relevant experience 25%
- New Build Relevant Experience 25%
- Ground Source Heat Pump and Steel Frame Relevant Experience 25%
- Stakeholder/Park User Engagement 25%

- 9.1.4 Ten compliant SQ responses were received and evaluated by the Client Project Manager, Technical Project Manager/Lead Consultant and Architect. The SQ project specific question responses were evaluated individually then a moderation meeting was held with the Procurement Category Manager to moderate the scores. The six highest scoring bidders were subsequently invited to tender. The long list of the ten bidders and their scores following the SQ evaluation can be found in Exempt Appendix A and the shortlist of six bidders can be found in Exempt Appendix B.
- 9.1.5 The ITT was issued via Pro-Contract to the six highest scoring bidders on 29 January 2021 (ProContract system reference DN512797). A Pricing document was issued with specifications, drawings and associated appendices, such as surveys. Tenderers were originally given four weeks to formulate their bid submissions with a return date of 12 March 2021. Due to a number of bidders requesting an extension to obtain sub-contractor prices the submission deadline was extended by one week. The revised submission deadline was 19 March 2021.
- 9.1.6 The final contract award is based on the Most Economically Advantageous Tender (MEAT). The ITT evaluation criteria were divided between Quality (30%) and Price (70%).
- 9.1.7 As well as a completed pricing schedule the tenderers had to submit a qualitative response. The qualitative evaluation criteria headings and weightings are listed below:
- Detailed Project Methodology 40%
 - Project Team 30%
 - Health and Safety 10%
 - Communication 10%
 - Economic Added Value and Sustainable Innovation 10%
- 9.1.8 All six bidders submitted their tender returns on time.
- 9.1.9 The qualitative elements of the six tenders were individually evaluated by the Client Project Manager, Technical Project Manager/Lead Consultant, Architect and Quantity Surveyor. The evaluation team then met with the Procurement Category Manager to moderate the scores.
- 9.1.10 The six tenders were also technically reviewed by the Structural Engineer and Mechanical and Electrical Engineer. Tenders were checked for their accuracy in terms of the response to the supplied specifications. Where anomalies were found, such as omissions, tenderers were given the opportunity to clarify tenders and amend the information where necessary.
- 9.1.12 The pricing elements of each tender were analysed by the Quantity Surveyor. The pricing document provided by each tenderer has been fully

analysed for mathematical correctness and completeness. Any anomalies found within the tender submissions have been analysed and the tenders have been reconciled against each other to ensure that the final cost scoring represented a fair comparison between all submissions.

- 9.1.13 The Council Finance Team also carried out financial tests and undertook a detailed analysis of the six bidders' audited accounts and the Council Procurement Category Manager obtained Dun and Bradstreet (D&B) reports to check the bidders' financial stability.
- 9.1.14 Following the pricing analysis, one of the six bidders was deemed non compliant due to failure to price the tender as specified in the tender documents.
- 9.1.14 Following the qualitative evaluation process and moderation meeting, two of the remaining five bidders were deemed non compliant. Both bidders were awarded more than two scores of 2 because they failed to provide the information requested in the Invitation to Tender (ITT) document and some of their responses demonstrated only a limited understanding of the Council's requirements, lacked detail and were a cause for concern for the evaluation panel. As specified in the ITT document, any bidder whose score includes two or more answers that are awarded a score of 2 or less will be deemed to have failed minimum quality standards and will be deselected from the tender process.
- 9.1.15 The final evaluation scores of the three compliant bidders are summarised in the table below:

Tenderer	Quality Score	Price Score	Total Score
Supplier A	18%	70%	88%
Supplier B	20%	58%	78%
Supplier C	18%	55%	74%

- 9.1.16 The final scoring, including the breakdown of scores against each of the evaluation criteria, is provided in Exempt Appendix C.

9.2 Recommendation:

- 9.2.1 On the basis of the scoring information set out in Exempt Appendix C, the tender analysis undertaken by the Quantity Surveyor and the Council Finance financial stability assessment, the following recommendations are made:
- 9.2.2 Cabinet Procurement Committee is recommended to approve the appointment of Supplier A as the contractor to deliver the Abney Park Restoration Project.
- 9.2.3 The reasoning for the recommendation is summarised below:

- 9.2.4 The Council Finance Team was satisfied with the financial stability of Supplier A. The Dun and Bradstreet report assessed the overall business risk of failure of Supplier A as Low to Moderate.
- 9.2.5 Supplier A has confirmed their pricing for all elements and the project team is satisfied that the tender is compliant and all the items have been priced. The project's final budget makes provision for meeting any risks through the inclusion of suitable contingencies. This provision is reflected in the project budget.
- 9.2.6 In terms of Supplier A's qualitative response, the supplier was ranked number 1 out of the three bidders and they scored 3 and above for all of the criteria set out in section 9.1.7 of this report. In accordance with the ITT, this demonstrates that the project team considered that the tendered proposal would deliver the proposed programme of works effectively and in accordance with the Council's requirements, including all aims and objectives set out in the Business Case.
- 9.2.7 It should be noted that no provision has been made for a performance bond based on the advice of the Council's Legal Team. A parent company guarantee (PCG) will be required if the contractor has a main parent company.

10. CONTRACT MANAGEMENT ARRANGEMENTS

10.1 Resources and Project Management (Roles and Responsibilities):

10.1.1 The Project Design Team consists of the following members:

- Lead Consultant, Technical Project Manager and Contract Administrator - Artelia UK
- Quantity Surveyor - Artelia UK
- Architect – Kaner Olette Architects
- Structural Engineer – The Morton Partnership
- Mechanical and Electrical Engineer – Crofton Consulting

10.1.2 Client side project management will be carried out by Council Project Managers that are part of the Leisure, Parks and Green Spaces Service within the Neighbourhoods and Housing Directorate. The project will be managed internally via a Project Board led by Senior Management Team members. The Project Sponsor is the Head of Leisure, Parks and Green Spaces. The internal Client Project Manager will report to the Project Board and provide monthly progress reports. The project managers will be responsible for ensuring that the Board is serviced with information relating to progress against agreed targets and key risks and issues. All major strategic decisions will be referred to the Project Board for approval.

- 10.1.3 The Lead Consultant (Artelia) will act as Technical Project Manager for the whole project, they will be responsible for the day-to-day delivery and act as Contract Administrator. This will include the issuing of all related certification, consideration of claims and the issuing of all instructions on behalf of the Council as client in relation to any variations to the project deliverables.
- 10.1.4 The Quantity Surveyor (Artelia) will be responsible for all liaison with the contractor with respect to the assessment of applications for payment and issuing of valuations to the architect.
- 10.1.5 The Mechanical and Electrical Engineer (Crofton Consulting) and Structural Engineer (The Morton Partnership) will be responsible for all quality checks in relation to the electrical fit out and commissioning and the structural integrity of the completed buildings.
- 10.1.6 An Independent Clerk of Works will also be appointed to oversee the quality and safety of the construction work on site to ensure that the building plans and specifications are being followed correctly.
- 10.1.7 A Biodiversity Expert will also be appointed to carry out toolbox talks with the main contractor and their subcontractors, be on hand to offer advice and to maintain a watching brief over the activities onsite to ensure that the natural habitat of Abney Park is protected during the construction works.

10.2. Key Performance Indicators:

Main KPI Targets Set	Monitoring
1. Cost: To not allow the project cost to increase beyond budget expectations.	Monthly progress reports from the Contractor, monthly budget reports from the Quantity Surveyor and monitoring by the Lead Consultant, Architect and Project Manager.
2. Time: To deliver the construction, restoration and associated landscaping on time.	Monthly progress reports from the Contractor and monitoring by the Lead Consultant, Architect and Project Manager.
3. Quality: To ensure that all Planning Conditions are met, that the relevant British Standards are met and that the construction and restoration is delivered as per the specification.	Monthly progress reports from the Contractor and monitoring by the Lead Consultant, Architect and Project Manager.
3. Complaints and Freedom of Information Requests (FOI's): To track and respond in a timely	Formal and informal complaints and FOI logged and responded to in the 'Information system by the Project

manner.	Manager.
4. Environmental: To ensure the guidelines set for the protection of biodiversity, wildlife and trees and that the sustainability KPIs included in the contract are met.	Monthly progress reports from the Contractor and monitoring by the Lead Consultant, Architect and Project Manager.
5. Equality: To ensure that all buildings and landscaping meet the relevant British Standards and Regulations and are compliant with the Equality Act 2010.	Monitoring by the Lead Consultant, Architect and Project Manager.
6. Employment Opportunities: To ensure that the contractor provides work experience and training opportunities.	Monthly progress reports from the Contractor.

- 10.2.1 These KPI's and this contract meet the Neighbourhoods and Housing Directorate's vision of creating sustainable, high quality, safe, accessible and attractive neighbourhoods shaped by good planning and design. This contract also meets one of the Mayor's 5 priorities which is to prioritise quality of life and the environment and protect our parks and green spaces.
- 10.2.2 The project's success will also be defined by whether the outcomes set by the National Lottery Heritage Fund are delivered to budget and on time. The NLHF grant conditions state that the approved purposes must be delivered by 31 January 2023.
- 10.2.3 The Council's Project Manager will provide progress reports and financial claims to the NLHF on a quarterly basis. The success of the contract will be measured against the NLHF approved purposes listed below:
- To repair and improve the buildings inside the Stoke Newington High Street entrance including restoration of the original lodges and provision of new buildings providing a café, community and education space, offices and a volunteer base. Landscaping, new interpretation and signage and the removal of cobble will improve the welcome;
 - To restore the chapel for use as a venue for events. Works to include reinstatement of windows, a floor and stairs in the turrets to tiered seating above the porch and provision of services including toilets;
 - To redesign the Church Street entrance to make it more accessible and welcoming, with new interpretation;
 - To deliver the activity plan via activities grouped around themes of: health and wellbeing; community empowerment; learning outside the classroom; and improved interpretation;
 - To provide 100 new volunteering opportunities and 24 training and skills development opportunities;

- To engage an Abney Park Manager, Venue and Promotions Officer, Head Gardener and Volunteer Coordinator;
- To engage four paid Local Liaison Representatives from nearby under-represented communities to deliver engagement activities for their communities.

11. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 11.1 This report seeks approval for the appointment of Supplier A as the contractor to deliver the Abney Park Restoration Project. Supplier A was chosen on the information provided during the ITT process where it was considered that they would be able to deliver effectively and in accordance with the Council's requirements, including all aims and objectives set out in the Business Case.
- 11.2 The budget for this project is already included in the Capital Programme taking place over a four year period, with the main construction work being anticipated to take place from July 2021 to July 2022.
- 11.3 There will be no additional costs to revenue until the project is fully completed as the new management structure costs will be met from the NHLF grant for the first two years. Although there will be no immediate cash savings, it is hoped that with much needed capital works to the chapel, which will be used as a venue for events and the new buildings including a cafe and education/community space, that potentially Abney Park could become financially self-sufficient over a period of time including the funding of the new management structure.

12. VAT Implications on Land & Property Transactions

- 12.1 The VAT that the Council will incur on the costs of the work will all relate to the activities undertaken from the site so if those activities are non-business, ie works to the open space (assuming there is no exempt use of the site), the VAT will be recoverable in full, if the activities are taxable, the VAT on costs will be recoverable in full. However if the activities are exempt from VAT, i.e. room hires, if the cafe is franchised, if a rent is charged to the Abney Park Trust for their use, the rents from the workshops and retail units etc, the VAT on attributable costs will need to be included in the Council's PE calculation. If the level of VAT causes the Council a problem in remaining within the de minimis limit the Council may need to opt to tax the site. It is a case of understanding the use and apportioning the VAT that will be incurred on the works and modelling the impact on the PE calculation.

13. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 13.1 The works contract in this Report was assessed as low risk by the Council and therefore the Business Case was signed off at officer level in accordance with Contract Standing Order 2.5.3. However, the value of the contract to be awarded is higher than the Chief Officer's authority under the Scheme of Delegation, so under Contract Standing Order 2.5.3 the award of contract will need to be approved by Cabinet Procurement Committee because the contract value is above the sum of £2m.
- 13.2 Details of the procurement process undertaken by officers are set out in this Report. Legal Services will, subject to approval, assist with the drafting and execution of the applicable works contract as requested.

14. COMMENTS OF THE PROCUREMENT CATEGORY LEAD

- 14.1 The tender was advertised in contracts finder as the anticipated value was below the works threshold set out in the Public Contracts Regulations. Further details are set out in Appendix A.
- 14.2 Six bids were received, however 3 were discounted as they did not meet the minimum standards (one on price and the other two in respect of quality).
- 14.3 The pricing was scrutinised and assessed by both the in-house team and Quantity Surveyor to ensure that all tendered areas of the works were included. One bidder did not include all elements.

APPENDICES

Exempt Appendix A – Long List of SQ Bidders and Scoring
Exempt Appendix B – Short List of ITT Bidders
Exempt Appendix C – Detailed Costing and Scoring

EXEMPT

By Virtue of Paragraph 3, Part 1 of schedule 12A of the Local Government Act 1972 this report and/or appendix is exempt because it contains information relating to the financial or business affairs of any particular person (including the authority holding the information) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

BACKGROUND PAPERS

None

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