

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 18 AUGUST 2015

PLAY AREA IMPROVEMENTS - SUPPLY OF REPLACEMENT EQUIPMENT

REPORT BY STRATEGIC DIRECTOR - COMMUNITIES

ABSTRACT

This report outlines a proposed request to grant exemption from the Financial Regulations to procure replacement play equipment to complete this financial years play area improvements.

1. RECOMMENDATION

It is recommended that the Committee:

- (i) grants an exemption from Financial Regulations section 16.24.10 to allow the Director of Communities to procure play equipment for the completion of the departments 2015-2016 programmes of play area improvements across Angus. Estimated expenditure is in the region of £120,000.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Active: Children and young people in Angus will be active with opportunities and encouragement to participate in play and recreation, including sport
- The health of the Angus population is improved
- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed
- Our communities are safe, secure and vibrant.

3. BACKGROUND

Angus Council is unique amongst Scottish Local Authorities in providing the strategic planning, design, purchase, installation, inspection and repair of all 101 play areas incorporating over 620 items of equipment 'in house' by the Parks Services section of Communities.

Scotland Excel is currently developing a new Scottish Local Authority framework for the supply and installation of play equipment and multi-use games areas, including surfacing, inspection and maintenance. In contributing their expertise both to the UIG and the technical group Angus Council Parks is campaigning to ensure the Scotland Excel framework meets the exacting requirements of the business unit and provides best value to the Council. It was expected this framework would be in place for financial year 2015/16 but this has been delayed to mid-2016 by Scotland Excel..

4. CURRENT POSITION

Authority is requested to purchase directly from a nominated list of suppliers for a period of one year or until the Scotland Excel Framework is in place. The nominated suppliers have demonstrated through previous and current contracts (e.g. Eastern Shires Purchasing Organisation or ESPO) their ability to meet the stringent safety standards and technical capacity required by local authorities. It is anticipated these companies will all be represented on the Scotland Excel framework when in place.

Proposed Supplier	
Supplier (1)	Wicksteed Leisure Ltd Digby Street, Kettering, NN16 8YJ
(2)	The Play Practice Ltd Export House, Quarrywood Court, Livingston, EH54 6AX
(3)	Hags - SMP Ltd Waterfront Complex, Selby, YO8 9TE
(4)	Jupiter Play & Leisure Swanston Steading, 109 Swanton Rd, Edinburgh EH10 7DS
(5)	Playdale Playgrounds Ltd Haverthwaite, Ulverston, LA12 8AE
(6)	Sutcliff Play Scotland Ltd Prospect Business Centre, Gemini Tech Park, Dundee DD2 1TY
(7)	Abacus Playgrounds 2E Inchmuir Road, Whitehill Ind Estate, Bathgate, EH41 8EP

5. PROPOSALS/SOURCING ROUTE

In collaboration with Tayside Procurement Consortium Commodity Manager the service will negotiate a minimum % discount with suppliers based on the directorate's projection of items required, quantities and delivery time and order dates.

Under Financial Regulation 16.24.8 condition (d); the exemption is for a temporary supply period of not longer than one year and is necessary to allow the carrying out of a full competitive tendering exercise for the supply (subject to the need for an exemption not being attributable to any failure to act with due diligence and foresight). This approach is approved by the Corporate Procurement Manager subject to the following conditions.

- The exemption will endure for a period of 12 months from the date that it is approved by Committee.
- In the event that a national (Scotland Excel or other) framework agreement supporting compliant purchasing is not available before expiry of the exemption, the Service will revert to a compliant competitive purchasing approach.

During the period of the exemption, the service will consult with TPC Central Procurement team and Angus Council Corporate Procurement team to ensure procedures for playground equipment competitive sourcing specifications, ITQs and evaluation methods / documents are as standardised as possible in support of an efficient process which can be applied to other future purchasing requirements.

- The negotiated contracts must be entered onto the Council's Contracts Register within 1 month of the contracts being entered into with the identified suppliers.

6. FINANCIAL IMPLICATIONS

The estimated expenditure of £120,000 can be met from existing repairs and renewals budgets.

7. OTHER IMPLICATIONS

Risk/Mitigating Action

Possible Legal challenge – Although this contract is below the EU procurement threshold of c. £172K, it is still of a value that strictly requires adequate publicity to be legally compliant. The Exemption Co-ordinator's view is that the risk of challenge is low and acceptable on a 1 year basis, provided that other benefits achieved justify this risk.

Compliant Purchasing – in the event that a national (Scotland Excel or other) framework agreement supporting compliant purchasing is not available before expiry of the exemption, the service will revert to a compliant competitive purchasing approach.

Pricing risk – with direct purchasing from the named suppliers without competition, there is a risk that our estimated savings are not realised.. This risk will be managed by negotiating contracts with the named suppliers guaranteeing minimum % discounts on their list prices for the duration of the exemption.

8. CONSULTATION

The Corporate Procurement Manager has been consulted in the preparation of this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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