

For Publication

For General Release

REPORT TO:	CABINET 24 January 2022
SUBJECT:	New Burial Land – Greenlawn Memorial Park Extension
LEAD OFFICER:	Elaine Jackson Interim Assistant Chief Executive Kevin Pilkington Head of Bereavement Services and Registrars, Digital and Resident Access
CABINET MEMBER:	Cllr Oliver Lewis, Cabinet Member for Culture and Regeneration
WARDS:	All
COUNCIL PRIORITIES We will live within our means, balance the books and provide value for money for our residents. We will focus on providing the best quality core service we can afford. First and foremost, providing social care services that keep our most vulnerable residents safe and healthy. And to keep our streets clean and safe. To ensure we get full benefit from every pound we spend, other services in these areas will only be provided where they can be shown to have a direct benefit in keeping people safe and reducing demand	
FINANCIAL IMPACT The contract award will commit the Council to contract costs (set out in Part B) for the contract term. Greenlawn Memorial Park Extension is being funded by the approved Capital Fund. Expenditure is required for landscaping and the relevant grounds works in order to respond to fluctuation in demand across the borough and to provide greater capacity for the Council and residents. The increased capacity of burial plots will generate an income of £16.4m the Council based on the current burial and internment fees.	
FORWARD PLAN KEY DECISION REFERENCE NO.: 6721CR This is a Key Decision as defined in the Council's Constitution. The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors.	

The Leader of the Council has delegated to the Cabinet Member for Culture and Regeneration, in consultation with the Cabinet Member for Resources and Financial Governance the power to make the decisions set out in the recommendations below:

1. RECOMMENDATIONS

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- 1.1 The Cabinet Member for Culture and Regeneration, in consultation with the Cabinet Member for Resources and Financial Governance is recommended by the Contracts and Commissioning Board to approve the award in accordance with Regulation 28.4(c) of the Council's Contracts and Tenders Regulations for the contract for the provision of Greenlawn Memorial Park Extension for a contract term of 21 months to the Provider and for the contract value state in Part B of the report.
- 1.2 Note the contractor name and contract value will be published following contract award.

2. EXECUTIVE SUMMARY

- 2.1 Currently burial land within Croydon is extremely limited with the stock of new burial plots being exhausted by early 2022.
- 2.2 The report recommends the award of a contract to the preferred bidder (Bidder A) following a mini competition tender in compliance with the Council Tenders and Contracts Regulations and Public Contract Regulations.
- 2.3 The preferred bidder meets all mandatory requirements.
- 2.4 A strategy was approved by CCB reference no: CCB1683/21-22 on 12/08/2021.
- 2.5 The contract expenditure meets essential spend criteria and has been approved by the Assistant Chief Executive.

3. DETAIL

- 3.1 The Council is able to reclaim graves at 2 of its 3 cemeteries under strict guidelines but is limited because the option for using a reclaimed grave does not meet with all residents' approval when it comes to the final resting place for their loved ones. For this reason, the development of any new burial land when it becomes available offers a critical service to the residents of the borough and also offers significant additional income to the Council.
- 3.2 A Mini Competition was conducted on the Council's e-tendering portal among the pre-approved providers registered on Construction Line under 'Cemeteries and Crematoria' work category.. The requirements included Exclusion Grounds such as suitability thresholds, economic and financial standing, technical and professional ability, Modern Slavery Act, compliance, business continuity, London Living wage, Insurance and requiring either bonds or guarantees. The recommended bidder was compliant.
- 3.3 A 40% quality with a 60% price ratio was used for evaluation.

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A combination of pass/fail requirements was used along with method statements to evidence how requirements can be met. Quality criteria evaluated comprised:

Delivery of services
Staff resourcing of project
Experience and capability of delivery
Risk management and Programme delivery
Value engineering approach
Continuity of supply Social Value
PSP

- 3.4 The council standard evaluation and scoring methodology was used. Scoring against method statements and functional / non-functional requirements was on the following basis: A weighting is applied to each Method Statement/requirement. Each Method Statement/requirement which is not pass/fail was scored by the evaluation panel and awarded marks in a range of 0 to 5. A score of 3 or more is fully compliant. Total weighted quality scores for each bidder are assigned a percentage against the 40% available for Quality.

Score	Rating	Criteria for awarding score
5	Excellent	Exceeds the requirement. Exceptional demonstration by the tenderer of their relevant ability, understanding, skills, resource and quality measures provided in the method statement. Response identifies factors that demonstrate added value, with evidence to support the response.
4	Good	Satisfies the requirement with minor additional benefits. Above average demonstration by the tenderer of the relevant ability, understanding, skills, resource and quality measures provided in the method statement. Response identifies factors that demonstrate added value, with evidence to support the response.
3	Acceptable	Satisfies the requirement. Demonstration by the tenderer of the relevant ability, understanding, skills, resource and quality measures provided in the method statement, with evidence to support the response.
2	Minor Reservations	Satisfies the requirement with minor reservations. Some minor reservations of the tenderer's relevant ability, understanding, skills, resource and quality measures provided in the method statement, with limited evidence to support the response.
1	Serious Reservations	Satisfies the requirement with serious reservations. Serious reservations of the tenderer's relevant ability, understanding, skills, resource and quality

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		measures provided in the method statement, with little or no evidence to support the response.
0	Unacceptable	Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the tenderer has the ability, understanding, skills, resource and quality measure, with little or no evidence to support the response.

3.5 An evaluation panel comprised of officers listed below with procurement officers evaluating tenders.

- Service Delivery Officer, Head of Bereavement Services and Registrars, Digital and Resident Access
- Category Officer for Environment and Public Realm
- CDS Technical Advisor
- Gateway Technical Officer

3.6 Pricing was evaluated as follows:

The Tenderer which submitted the lowest Total Contract Value Tender price received the maximum price score of 60(%). Scores for other Tenderers were calculated on the following basis:

The lowest submitted total price
_____ X 60%
Bidders' submitted total price.

3.7 Total Quality scores and price scores are then combined for a total score
Number of Bids

Two (2) bids were received and evaluated.
Four (4) suppliers did not respond after expressing an interest.

3.8 Result of the Tender Evaluation

Evaluation scores are detailed in part B report. The preferred biddersubmitted a compliant bid and achieved the highest quality score.

3.9 Terms of the award

The contract term is for 21month term (9 months for delivery and 12month liability and defects period)

The contract terms and conditions are based on the JCT Minor Works Contract.

3.10 Social Value:

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The recommended Bidder A offered several measurable benefits which are set out in detail in Part B.

The offer covered several of the social value indicators, Local employment, creating accessible pathways to employment, supporting local communities and initiatives, supporting local business growth, supporting a cleaner and greener borough

3.11 London Living Wage

Compliance with London/National Living wage formed part of tender requirements and is also contained within the contract terms and conditions. The recommended supplier is compliant with the National Living Wage.

3.12 Premier Supplier Programme (PSP)

Bidders were invited to enter into the programme which formed 2% of the quality scoring. The recommended bidder did not commit to joining the PSP scheme.

3.13 Contract Management

The Head of Bereavement Services and Registrars will act as contract manager for the duration of the works and services to ensure the delivery of agreed timelines are delivered. Budget and costs are to be managed by the Head of Bereavement Service and Registrars and to ensure costs are managed in accordance with the agreed contract and allocated budget. This will enable any issues identified during the contract delivery are addressed at the earliest opportunity. This will also apply to the Service contract with CDS Ltd who is providing the design and will responsible for the day to day management of the construction site, utilising their specialist expertise in this area. They will be required to deliver the project in accordance with the agreed project timescales as reflected within the construction agreement.

4. CONSULTATION

4.1 Consultation was initially undertaken with stakeholders from Finance, Legal, Equalities, Procurement, HR, Head of Bereavement Service and CDS (Cemetery Development Services).

Additionally, it was ensured that the Head of Bereavement and CDS stakeholders were actively included in both the drafting of the specification and as experts in the evaluation of the bidder responses.

5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Essential Spend Criteria

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The expenditure required for this project therefore meets the following Essential Spend criteria;

- expenditure necessary to achieve value for money and / or mitigate additional in year costs

5.2 Financial and risk considerations are set out in Part B. These will include:

- associated risks and mitigating action;
- future savings and/or efficiencies.
- Revenue and Capital consequences of report recommendations

5.3 The effect of the decision

The council will commit to contract costs for the 21 month term. Budgetary provision exists for this from existing budgets.

5.4 Risks

Risk description	Risk Score	Countermeasures/mitigating actions
Construction could impact on the ability of residents to access existing graves due to construction traffic	8	This will be monitored by the Council as part of the contract monitoring measures
Covid 19 prevents construction work	12	Suppliers explained how they plan to mitigate against this eventuality in their tender
Further archaeology work introducing additional costs and delays	10	No mitigation is possible here, if the archaeology uncovers any area of interest the Council will be beholden to the decisions of the planners and the archaeologists
Archaeology finds areas of land which requires preservation rendering some areas of land unusable as burial land	5	No mitigation is possible here, if the archaeology uncovers any area of interest the Council will be beholden to the decisions of the planners and the archaeologists. It is hoped that as the Council has been undertaken burials on the adjacent land it is unlikely finds of this level of significance will be found. Watching brief where required will enable works to progress whilst architect or UXO specialist is on site

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Financial Risk – Project cost exceeds budget	10	Once the tender has been awarded there will be an opportunity to identify areas for value engineering which have the potential to reduce the overall cost.
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5.5 Options

If the council were to do nothing, or not accept the tenders submitted there would be not be sufficient burial grounds for residents and the council would not receive an income from this service, alternate bids were not allowed.

5.6 Future savings/efficiencies

Future savings/efficiencies being made are listed in part B report.

Approved by: Matthew Davis Finance Manager on behalf of Head of Finance

6 LEGAL CONSIDERATIONS

6.1 The Cabinet is empowered to make the decision in accordance with the recommendations pursuant to the Tenders and Contracts Regulations, which form part of the Council's Constitution.

6.2 The Council is under a general Duty of Best Value to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness (Section 3 of the Local Government Act 1999 (as amended by s137 of the Local Government & Public Involvement in Health Act 2007)

Approved by: Sonia Likhari, Corporate Solicitor, on behalf of the Interim Director of Legal Services & Interim Deputy Monitoring Officer

7 HUMAN RESOURCES IMPACT

7.1 There are no immediate HR impacts arising from this report for Croydon Council staff or employees.

Approved by: Gillian Bevan, Head of HR Resources and Assistant Chief Executives

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8 EQUALITIES IMPACT

- 8.1 An initial Equality Analysis has been undertaken and a full Equality Analysis is not required as the new contract will not have any impact on protected groups.

Approved Denise McCausland – Equality Programme Manager

9 ENVIRONMENTAL IMPACT

- 9.1 There are no crime and disorder reduction impacts arising from this report.

10 CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no crime and disorder reduction impacts arising from this report.

11 REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 11.1 The report recommends the award of a contract to the preferred bidder (Bidder A) following a mini competition tender in compliance with the Council Tenders and Contracts Regulations and Public Contract Regulations.
- 11.2 Provider A, demonstrated extensive experience of projects of a similar nature, no use of subcontractors and all aspects of the project being delivered in-house by specialist staff.

12 OPTIONS CONSIDERED AND REJECTED

- 12.1 In respect of the options for the outcome of the tender no other options were presented for consideration. The tender followed the procurement route recommended in the approved strategy report.

13 DATA PROTECTION IMPLICATIONS

- 13.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

The subject of this report does not involve the processing of personal data and there is no requirement for a data impact assessment to be completed. There will be no GDPR implications of this work as no personal data will be shared with other Providers/Contractors.

- 13.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

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NO

Approved by: Neil Williams, Chief Digital Officer

CONTACT OFFICER: Kevin Pilkington: Head of Bereavement Services

BACKGROUND PAPERS: None