

## CABINET

**Subject Heading:**

Outdoor Play Areas Contract Award

**Cabinet Member:**

Councillor Barry Mugglestone

**ELT Lead:**

Neil Stubbings

**Report Author and contact details:**

James Rose

**Policy context:**

The Havering Vision  
Place Outcome – Havering is a Green Borough

- Investing in our parks
- Number of parks with Green Flags

**Financial summary:**

The Council intends to award a contract by way of a framework with an estimated value of up to £3m over 5-years, subject to the availability of funding.

**Is this a Key Decision?**

Yes, expenditure of £500,000 or more

**When should this matter be reviewed?**

27<sup>th</sup> October 2025

**Reviewing OSC:**

Place OSSC

### The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well

X Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

## **SUMMARY**

A decision is required to award a 5-year play contract (by way of a framework) to a single supplier for all improvements in parks and open spaces across the Borough. This will be a call-off contract with a minimum spend of £0 and maximum of £3 million over the term.

## **RECOMMENDATIONS**

Cabinet hereby approves:

1. The procurement for a 5-year call-off contract via the Eastern Shires Purchasing Organisation (ESPO) Framework which will cover all improvement works in parks play areas when required for up to a total value of up to £3 million. The procurement will be by way of mini-competition.
2. To waive the Council's standard 70:30 (price: quality) evaluation scoring in favour of 40:60 (price: quality) for the reasons set out in this report.
3. To award the contract to the bidder as selected by way of the framework with an estimated commencement date in January 2026
4. To authorise the Director of Environment to complete all necessary documentation required to give effect to recommendations 1-3.

## **REPORT DETAIL**

Several tenders are carried out each year for the improvements in play and recreation areas generally by way of the Request for Quotation (RFQ) procedure. The subsequent contracts are generally spread across several contractors.

This contact will procure one supplier which will undertake all works for the term of the contract. This will also provide better and added value with the designs and public consultation undertaken by the contractor. Having a sole supplier on contract will reduce the time taken to conduct individual RFQs. With one supplier having the contract for all works over a 5 year period, better designs and play value will be achieved. They will also provide a public consultation service within the contract, which currently the Council do not have the capacity to undertake.

The Council has the ability to use the ESPO framework for the appointment.

A request for expressions of interest has already been sent to the suppliers on the ESPO framework. 8 out of the 12 on the list have responded positively.

The Council will select the preferred contractor by way of mini-competition as provided for by the ESPO framework.

Once awarded, there is no commitment to use this contract if no funding is available in any year, i.e. if the Council cannot obtain capital, Community Infrastructure Levy (CIL) or external funding for potential projects.

The Council will always need to carry out improvements and refurbishments in our play areas however, this is dependent on levels of use, vandalism and requests from the community or stakeholders. It is very likely the Council will have at least a couple of sites per year that will need improving.

Applications are made for grant funding and where successful, this will be used to fund the works.

The budget for each project during the term of the contract will be a set amount and the chosen supplier will quote to this value. The variables will be the quality of the design, equipment and play value which is the most important element of each project. For example, it will not be acceptable to have more inferior equipment at a lower price. Therefore, it is necessary to put more weighting on the quality, i.e. range and durability of equipment, designs, rather than price (which will be fixed).

A comprehensive pricing schedule provided by the ESPO framework is to be completed as part of the mini competition. As this is part of a framework, financial checks have already been carried out as part of the tender submission stage. On completion of the tender at award stage, we will carry out an Experian check on the winning bidder.

## **REASONS AND OPTIONS**

### **Reasons for the decision:**

To enable the procurement and award of the contract that will provide the Council with better value for play and recreation improvements.

### **Other options considered:**

**Do nothing** – the Council could continue to procure works on an ad-hoc basis through RFQs but this would be an ineffective use of officer time and also less value would be achieved.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

This report is seeking approval to commence procurement and then award a five-year contract for outdoor play area improvements, with a potential total value of £3 million, subject to funding availability.

The estimated contract value is based on historical annual spend, however, there is no financial commitment unless funding is secured. Expenditure will be contingent on the availability of capital budgets, Community Infrastructure Levy (CIL), Section 106 (s106) contributions, or external grant funding. As such, the contract offers flexibility, with no obligation to spend in any given year if funding is not available.

Each project will be delivered within a pre-set budget, and suppliers will be required to quote to that value. The use of the Eastern Shires Purchasing Organisation (ESPO) framework ensures that suppliers have already undergone financial due diligence. An Experian credit check will also be carried out at the award stage to confirm the financial standing of the selected supplier.

There are no direct revenue budget implications associated with this procurement. However, as each scheme will be bidding within a set budget envelope (e.g. a commissioned amount); it is likely that the successful bidder will aim to maximise value by offering more play equipment. As a result, there will be potential additional revenue implications around safety, compliance and on-going maintenance which the service will need to manage within their budget.

The proposed adjustment to the evaluation weighting from 70:30 (price: quality) to 60:40 (quality: price) is financially justified. It prioritises quality, durability, and play value, which supports long-term value for money and reduces lifecycle costs.

Not proceeding with this contract would be likely to lead to multiple standalone procurements, reduced economies of scale, and increased officer time, which may have indirect implications for operational efficiency.

### **Legal implications and risks:**

Section 19(1) of the Local Government (Miscellaneous Provisions) Act 1976 allows local authorities to provide such recreational facilities as they think fit. Play and recreational areas are recreational facilities and the Council is making a decision to procure and award a contract for the improvement of play and recreational areas in accordance with that provision.

The Council has power to procure and make contracts under Section 111 of the Local Government Act 1972 which permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions or through its general power of competence in Section 1 of the Localism Act 2011 to do anything an individual can do, subject to certain constraints. None of the constraints apply to this decision.

The maximum value of the contract is above the applicable public procurement threshold for services contracts of £214 904 stipulated in the Procurement Act 2023 (PA). Therefore, the contract is subject to the full PA regime. However, the Council is utilising a pre-procured framework on this occasion to award a call-off contract by way of mini-competition.

For the reasons set out above, the Council may commence procurement (via the framework) and then award the contract as set out in this report.

### **Human Resources implications and risks:**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

### **Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

There are not equalities and social inclusion implications and risks associated with this decision

### **Health and Wellbeing implications and Risks**

The London Borough of Havering is committed to protecting and promoting the health and wellbeing of local residents. There are no direct health and wellbeing

implications arising from the recommendation to proceed with procurement of an outdoor play areas contract. Having suitable arrangements in place to ensure that existing play and recreation areas are well maintained and safe, and that any new provision is of a high standard, will mean that these assets can continue to provide important opportunities for physical activity amongst children and young people.

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The recommendations made in this report do not give rise to any identifiable environmental and climate change risks.

**BACKGROUND PAPERS**

NA