

Arun District Council

REPORT TO:	Environment Committee – 17 November 2022
SUBJECT:	Sunken Gardens Project, Bognor Regis
LEAD OFFICER:	Philippa Dart, Director of Environment and Communities / Joe Russell-Wells, Group Head of Environment and Climate Change
LEAD MEMBER:	Cllr David Edwards
WARDS:	Marine Ward

CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:

The Sunken Gardens project meets the Wellbeing theme of the Council Vision by providing easily accessible and safe greenspace. Its location close to Bognor Regis town centre also means that the enhancement works will also support the Economic theme and make it a more attractive place to visit.

DIRECTORATE POLICY CONTEXT:

The Sunken Gardens project is listed in the current and forward planned activities for Environment and Communities Directorate Plan 2022/23.

FINANCIAL SUMMARY:

Full Council, at their meeting on 13 January 2021 (Minute 414), approved a budget of £500k for the Sunken Gardens project.

The report to the Environment Committee on 23 September 2022 noted that the project team were working to deliver the scheme within a total budget of £300k, which includes consultant fees, survey costs and the capital works. The Committee also approved the construction contract heads of terms for the project which included the award of contract up to a value of £230k.

Tenders received exceed the approved sum by £82k but can be accommodated within the original project budget approval of £500k.

1. PURPOSE OF REPORT

- 1.1. Committee approval is sought to increase the value of the award of construction contract from £230k to £312k due to increased costs.

2. RECOMMENDATIONS

- 1.2. To approve an increase in value for the award of the construction contract up to a total cost of £312k for the delivery of the Sunken Gardens scheme.

2. EXECUTIVE SUMMARY

- 2.1. Tenders have been received for the delivery of the Sunken Gardens scheme which exceed the previously approved works sum of £230k set out in the heads of terms for contract award. Approval is sought to increase the value of the construction contract, within the approved £500k supplementary estimate.

3. DETAIL

3.1. Current approval

The Environment Committee at its meeting on 23 September 2021 approved that the concept design presented, for the proposed Sunken Gardens scheme, was taken forward for public consultation and the preferred option is implemented by the project team. The Committee also approved the construction contract heads of terms for the project which included the award of contract up to a value of £230k.

Concept proposals presented for public consultation incorporated the requirement to provide play facilities on the site as well as create a new southern entrance to the existing gardens. Replacement of some existing features such as walls, railings, seating, planting and the introduction of new side access points were also included. The intention of the proposals is to activate the site by creating a more welcoming and inviting space, therefore encouraging more visitors and increasing footfall.

The proposals were well-received at public consultation with support highest for the changes to the play area and creation of a new southern entrance.

3.2. Procurement

Following the public consultation, options for the procurement of the Sunken Gardens project were reviewed with the Procurement team. The potential to use a framework was explored however on this occasion it was not appropriate for the scope of works required. An open tender was therefore published in summer 2022.

At tender return only 2 tender submissions were received. This was a disappointing response but currently not uncommon because the marketplace is proving extremely challenging. It is reported that suppliers are being very selective due to the wide choice of tenders, and many are turning down the opportunity to tender due to the pressures of other commitments.

Both prices received exceeded the approval value for the Sunken Gardens project. Following evaluation of the price and quality submissions the preferred supplier's bid was confirmed to be just below £312k. Since the contract value was approved by committee a number of unprecedented economic factors have increased the cost of construction works, which has been reflected in the tender prices submitted.

3.3. Contract award

In order to progress the project a letter of intent has been issued to the contractor for works up to the value of £230k. This will enable materials to be ordered prior to commencement on site. An early order was also placed for the supply of new play equipment to ensure the project was not impacted by current supply chain issues.

The works which make up the value of £230k are integral to the elements which received the highest level of support at public consultation and include changes to the play area and creation of the new southern entrance. Items which have been omitted at this stage are not required until the end of the project, such as planting.

A contract which exceeds the approved sum cannot be awarded without further committee approval. It is proposed to award a contract of up to £312k. This would be an increase of £82k above the approved contract sum of £230k but can be accommodated within the original budget allocation of £500k, approved by Full Council.

The proposed contract award includes a project contingency to account for unforeseen work during the construction phase. The contract also allows for a series of provisional sums, for work which may be required but cannot be determined until the project starts. It is possible that not all allocations will be used.

3.4. Project programme

It is anticipated that the project will commence in November, with the works expected to take approximately 4 months to complete.

4. CONSULTATION

- 4.1. The concept design proposals for the Sunken Gardens project were prepared for public consultation in November 2021, with the results and a preferred option published in February 2022.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. The contract could be awarded at the value of £230k as originally approved but would require the omission of some elements of the scheme.
- 5.2. Retendering the project was not considered to be a viable option as construction prices are known to have increased since the heads of terms approval was gained.

6. COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 6.1. The proposals in the report have no effect on the sum allocated to the project. On this basis no comment is made.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. The highest risks to the project are a delay to delivering the project, not being able to deliver the intended scope and the potential for further cost increases.

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 8.1. Under paragraph 5.2 of the Contract Standing Orders, no Committee decision is required at the pre-award stage unless the proposed contract's value is in excess of the approved budget. While Full Council agreed a total budget of £500,000 for this project, the Committee previously approved Heads of Terms for works up to £230,000 in value and hence the need for a further decision now.

9. HUMAN RESOURCES IMPACT

- 9.1. None.

10. HEALTH & SAFETY IMPACT

- 10.1. The design team have produced a designer's risk assessment and the project is being delivered in accordance with the Construction, Design and Management (CDM) Regulations 2015.

11. PROPERTY & ESTATES IMPACT

- 11.1. The project will result in improvements to council assets. The council will retain ownership and therefore management and maintenance responsibility for the site.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. An Equalities Impact Assessment for the project identifies positive impacts to the following protected characteristics/groups:
- Age – enhanced facilities will encourage wider range of people to use the gardens.
 - Disability – improvements to access and play facilities will increase accessibility for all.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

13.1. The carbon footprint impact of the project has been considered as part of the design and tender phases, through the reuse and recycling of products and materials.

14. CRIME AND DISORDER REDUCTION IMPACT

14.1. The public consultation highlighted concerns about safety and security. The design aims to improve feelings of safety and security by opening up views, encouraging footfall and creating a more welcoming and inviting space.

15. HUMAN RIGHTS IMPACT

15.1. It is not anticipated there will be any impact.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Sensitive data will be handled in accordance with the GDPR.

CONTACT OFFICER:

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BACKGROUND DOCUMENTS:

[Full Council 13 January 2021, Minute 414](#)

[Environment Committee on 23 September 2021, Minute 288](#)

[Proposals and summary of public consultation results – published February 2022](#)