

**REPORT OF THE ACTING CORPORATE DIRECTOR OF CHILDREN,
FAMILIES AND CULTURAL SERVICES****SHERWOOD FOREST VISITOR CENTRE AND COUNTRY PARK– FUTURE
DEVELOPMENT AND MANAGEMENT ARRANGEMENTS****Purpose of the Report**

1. To inform Culture Committee of the outcome of the procurement process to seek a partner to a) design, build and operate a new visitor centre at Sherwood Forest Country Park and b) to decommission the existing site facilities.
2. To seek approval to enter into legal agreements with the preferred bidder who has been identified through the procurement process.
3. To seek approval for the Council's financial contribution towards the Centre as detailed in the **Exempt Appendix**.

Information and Advice

4. Some information relating to this report is not for publication by virtue of Schedule 12A of the Local Government Act 1972, paragraph 3, due to the confidentiality of information relating to the financial and business affairs of the Council and individual bidders. Having regard to all the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because the information would add a limited amount to public understanding of the issues but would significantly damage the Council's commercial position. The exempt information is set out in the **Exempt Appendix**.
5. Culture Committee received a detailed report at their meeting on 1st July 2014 that outlined the current position in relation to the replacement of the visitor centre at Sherwood Forest Country Park. At that meeting Members agreed to the commencement of a procurement process to seek a partner to develop, build and operate a new visitor centre to service visitors to Sherwood Forest Country Park. The overall project ambition for the County Council was:

“To create a new visitor centre which promotes and enhances the reputation of Sherwood Forest, the legend of Robin Hood and the broader history and heritage of Nottinghamshire”
6. More specifically, the business objectives which have guided the procurement process are summarised below:

- the creation of a replacement visitor centre and associated visitor facilities that will:
 - provide a modern visitor offer befitting the international status of Sherwood Forest
 - operate daily throughout the year
 - as a minimum support and accommodate current visitor numbers, this includes
 - providing sufficient car parking spaces
 - have a minimum life span of 20 years
 - ensure free access to the Visitor Centre and basic amenities
 - effectively promote Sherwood Forest and Robin Hood and the wider Nottinghamshire tourism offer
 - be connected safely to the National Nature Reserve (NNR) for all-ability visitor access
 - effectively support the management of visitor impact on the habitat of the NNR
 - provide appropriate interpretation/visitor information on Sherwood Forest and Robin Hood
 - be ambitious about modelling environmental and sustainable good practice in respect of the design, development and operation of the centre
 - allow for the accommodation of increased visitor numbers into the future.
- The establishment of effective and complementary arrangements for the long term operation of the Country Park's green space for the duration of the contract. This will include compliance with NNR management standards, appropriate staffing arrangements, health and safety and the retention of free public access.
- The effective conservation management of the Major Oak.
- The provision of accommodation and equipment storage facilities for NNR ranger and site management personnel and their equipment, including communication facilities.
- The Council's ambition is for the site to be operated with no revenue budget subsidy.
- Demolition and remediation of the existing visitor centre back to wood-heath in accordance with method statements agreed with Natural England.

Key Drivers

7. There are a number of key drivers that have influenced the decision to build a new visitor centre at Sherwood Forest. They include:
 - The directive from Natural England that states that all build infrastructure (including the existing visitor centre and car parks) must be removed from the site to retain its national and international status as a Site of Special Scientific Interest (SSSI)
 - The fact that the existing facilities are in excess of 40 years old and are no longer fit for purpose.
 - The challenge for the Local Authority to reduce revenue contributions to the running of facilities at Sherwood Forest in line with the savings required by the Local Authority as part of the medium term financial strategy.

The Procurement Process

8. As previously agreed by members, an EU Competitive Dialogue procurement process was followed. This was considered to be the best process to be followed as it gave a high degree of flexibility to potential operators within the context of the Council's ambition for the Centre.
9. The tender process had four distinct stages:
 - Pre-qualification (four companies submitted pre-qualification questionnaires)
 - Invitation to Submit Outline Solutions (three companies submitted outline solutions and three were shortlisted to the next stage)
 - Invitation to Submit Detailed Solutions (three companies submitted detailed solutions)
 - Invitation to Submit Final Tenders (three companies submitted Final Tenders).
10. The bids were evaluated by a multi-disciplinary officer panel and external advisors according to three broad criteria as shown below:

Design and Technical	15%
Operations and Services	40%
Commercial	45%
Total	100%

Outcome of Evaluation

11. The moderated scores for the three bids are contained in the **Exempt Appendix**, along with further information about the preferred bidder, their offer and the financial implications for the Council.
12. It is recommended that the contract be awarded to Bidder A on the basis of the moderated scores.
13. All bidders shall be informed of the outcome of the procurement process and given feedback in accordance with the requirements and obligations of EU public procurement rules.
14. The award will be subject to successful clarification/fine-tuning of any outstanding issues in the contract documentation to be addressed by the Council with Bidder A. The contract documentation will not be subject to re-negotiation. Any amendments to be made to the contract documentation will be a matter of fine-tuning.
15. On successful completion of the clarification/fine-tuning stage, the Council and the winning bidder will complete the contract. The contract will set out the overall design specifications and regulations to which the new visitor centre will be built. Effectively, it ensures the successful bidder builds what they say they will build. Following the build of the new visitor centre, the staff from the existing visitor centre will transfer to the successful bidder and operate the new visitor centre. The successful bidder will then demolish and return to natural heathland the existing visitor centre. Discussions will need to take place with the successful bidder regarding the possible lease or licence of the site

– as this may require the landowner's consent. The type of land interest granted will not affect the structure of the agreed transaction.

16. Should it not be possible to conclude these outstanding points, then the Council may consider re-engaging with the unsuccessful bidders. The Council also reserves the right not to award the contract to any bidder. In this case, this will be reported back to the Culture Committee for further consideration and approval.

Other Options Considered

17. The following options were considered prior to the commencement of the procurement process.
- Option 1: seek a partner to build manage and operate the Centre on the Council's behalf, with partner selection undertaken through a "competitive dialogue" procurement process. The dialogue and bidding process would be used to seek outside capital investment and a reduction in the ongoing revenue costs
 - Option 2: the Council provides the required capital investment, builds a new visitor centre and continues to manage and operate the Centre directly (or via a locally established Trust)
 - Option 3: the Council provides the required capital investment and completes the required works before procuring a partner to manage and operate the Centre on its behalf.

Reason/s for Recommendation/s

18. Option 1 was selected on the basis that it offered the best potential to meet the financial and future operational objectives set by the Council.

Statutory and Policy Implications

19. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

20. Lease costs for the Natural Nature Reserve and surrounding areas of approximately £29,000 p.a. will continue to be paid by NCC to the landowner. The net cost of running the current site (including a share of CP&GE management and visitor services costs) is approximately £400,000 p.a. The long term savings to NCC over the 18 years to 2035 under all options were estimated to be around £7m. More detail on the financial offer is set out in the **Exempt Appendix**.

Human Resources Implications

21. The successful bidder will accept the transfer of existing employees with protection under the Transfer of Undertakings (Protection of Employment) (TUPE) regulations. Final details of the staff transferring will be agreed prior to the opening of the new centre in 2017
22. Full communications and consultation will take place with those employees affected and with the relevant trade unions, in respect of the planning and implementation of the transfer of employment.

Implications for Service Users

23. The impact on service user (visitors) will be positive as the new visitor centre will provide a much needed “fit for purpose” visitor experience. Continuity of access for visitors will be achieved by ensuring that the existing offer will remain open until the new centre is built and made ready to operate. Customers will be kept informed of developments and any disruption that may occur as part of the build phase by the use of direct messaging on site and via the Authority’s various communications channels.

RECOMMENDATION/S

That the Committee:

- 1) approves the award of Bidder A as the partner to build, manage and operate a new visitor centre for Sherwood Forest Country Park, subject to successful clarification/fine-tuning of the legal agreements described in this report
- 2) approves the Council entering into the necessary Legal Agreements to give effect to the project within the financial parameters set out in the **Exempt Appendix**.
- 3) gives delegated authority to the Corporate Director, Children, Families and Cultural Services, in consultation with the Group Manager, Legal and Democratic Services, to approve any additions or amendments to any agreements which in their judgement are necessary to give effect to the project and which are within the financial parameters set out in this report.

Derek Higton

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Constitutional Comments (SSR 10/07/15)

24. The recommendations set out in this report fall within the scope of decisions which may be approved by the Culture Committee.

Financial Comments (SS 07/07/15)

25. The financial implications of the report are set out in paragraph 20 above with further details in the exempt appendix.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Future of Sherwood Forest Visitor Centre – report to Culture Committee on 1 July 2014 (previously published)

Sherwood Forest Visitor Centre and Country Park procurement process – report to Culture Committee on 21 October 2014 (previously published)

Electoral Division(s) and Member(s) Affected

All.

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