

**Report of:** Contract Officer, Parks and Countryside

**Report to:** Chief Officer Parks and Countryside

**Date:** 12<sup>th</sup> May 2017

**Subject:** Waiver of Contract Procedure Rules for the supply & installation of zoo animal enclosures and adjoining boundary treatments at Lotherton Hall Bird Garden.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Harewood	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### Summary of main issues

1. Following the completion of Phase 1 of redevelopment at Tropical World, in line with an overall Attraction Business Plan, plans for work at Lotherton Hall Bird Garden have begun, with the first phase of Lotherton Works encompassing the redevelopment of the Forest Zone, Coastal Zone, & the creation of a brand new retail/education unit.
2. The Parks and Countryside service are acting as principle contractor for this scheme, however due to the specialist nature of the project at Lotherton Hall Bird Garden, an organisation with the appropriate portfolio, specialised knowledge and experience will be required to support with the installation of some specialist elements.
3. With the introduction of new species, particularly those of which are mammals rather than birds, the safety of visitors on site is of upmost importance. LCC therefore believe that the installation of animal enclosures and adjoining boundaries should be completed by a company with specialist experience in installing zoo animal enclosures.

4. In addition, being efficient with the time that LCC, as principle contractor, have to complete the project for summer 2017 means that we need a specialist on site as soon as possible. As the project is part of a broader P & C business plan across all three attractions, there are also overall budget implications should the programme of works be stalled. This could potentially delay the progress of redevelopment at other attractions.
5. G.M.S Fencing & Maintenance Ltd has worked efficiently on projects of a similar nature before and is therefore regarded to have specialist expertise in the field of work required. They are also available to begin work on site almost instantaneously.
6. This waiver report will therefore outline in detail the reasoning for waiving CPR and appointing G.M.S Fencing & Maintenance Ltd to complete the works quoted for at Lotherton Hall Bird Garden.

## **Recommendations**

7. The chief officer of Parks & Countryside is recommended to approve the waiver of the following contracts procedure rule(s):

*Contracts procedure rule no 3.1.1.1 – category plan and approved budget*

*Contracts procedure rule no 3.1.15 – requirement to use the councils standard tender documents*

*Contracts procedure rule no 9.1 & 9.2 – high value procurements*

## **1 Purpose of this report**

- 1.1 The purpose of this report is to seek approval from the Chief Officer to waive CPR 3.1.11; 3.1.15; 9.1 & 9.2 in order for G.M.S Fencing & Maintenance Ltd to:
- a) Provide specialist expertise regarding the installation of animal enclosures (Tapir; Forest Pigs; Penguins) at Lotherton Hall Bird Garden.

## **2. Background information**

- 2.1 The financial performance of Leeds Attractions, such as Tropical World, following redevelopment has highlighted that significant capital investment into the quality of our visitor attractions is able to act as a catalyst for growth in income. In turn this generates savings that make the city's parks and green spaces more sustainable.
- 2.2 The P&C service has considered therefore that the potential exists to build upon and replicate this success at Tropical World, Temple Newsam's Home Farm, & Lotherton Hall's Bird Garden.
- 2.3 After receiving approval from Executive Board in October 2016, the proposed business plan to take this project forward began, with the first redevelopments making progress at Tropical World, with completion in February 2017. Following this first stage of completion, plans for work at Lotherton Hall Bird Garden began, with the first phase of Lotherton Works encompassing the redevelopment of the Forest zone, Coastal Zone, & the creation of a brand new retail/education unit.
- 2.4 The aim of these redevelopment works at Lotherton are to undertake a renovation which will transform the area into a modern, engaging, and exciting visitor attraction that will facilitate the presentation of a much more diverse collection of animals.
- 2.5 Leeds City Council will act as principle contractor throughout the whole process of carrying out the Attraction Business Plan project; however specialist support will be engaged when necessary. One of these elements will be the supply and installation of zoo animal enclosures and their adjoining boundaries. Zoo enclosures require specialist skills in order to ensure compliance with husbandry standards, as well as needing to be strong, safe, and durable enough to ensure both public and species safety on site.

## **3 Main issues**

### **3.1 Reason for contracts procedure rules waiver**

- 3.1.1 G.M.S Fencing & Maintenance Ltd are specialists in creating fencing for zoo animal enclosures.
- 3.1.2 Due to revisions of the programme of works, LCC now plan on a completion date for works being June/July 2017. With this in mind, LCC needs to work with a company that can deliver appropriate, durable, and safe fencing products; and install in time for estimated completion. G.M.S Fencing & Maintenance Ltd is able to do this.

- 3.1.3 As referred to throughout this report, LCC are acting as principle contractor on this project, with special support on niche elements of the project. LCC as internal service provider has minimal expertise in creating animal enclosures, and no expertise in the creation of enclosures for larger mammals such as Tapirs & Capybara.
- 3.1.4 In brief, the Association of Zoos & Aquariums states that “Tapirs can be maintained with shallow dry slanted moats with a 2 m (6 ft) vertical outer moat wall. Enclosures without moats should also have a minimum of 2 m (6 ft) high barriers. Fences can be wood or chain link (gauge 10 or heavier). Tapirs do not jump up but can easily climb over vertical walls as high as 1.2 m (4 ft). Tapirs are also powerful animals that can push under chain link if it is not properly secured. Hot wire can be used to isolate tapirs from plants and trees but hot wire is not sufficient for containment, nor should it be used in close proximity to water. Exhibits in which the visiting public may have contact with animals must have a guardrail/barrier that separates the two (AZA Accreditation Standard 11.3.6). All zoo visitors should be kept at least 1 m (3’) away from the primary tapir enclosure.”
- 3.1.5 G.M.S can provide various suitable examples of their work supplying and installing zoo animal enclosures for similar animals, in similar environments. It would be unsafe to use a company not specialised in specifically installing enclosures and boundary treatments to safely separate animals from the public. It is therefore deemed suitable to waive CPR in this instance.

### **3.2 Consequences if the proposed action is not approved.**

- 3.2.1 In keeping with the programme of works, should CPR 3.1.11; 3.1.15; 9.1 & 9.2 not be waived there will be significant delays in the programme of works at Lotherton Hall. G.M.S Fencing & Maintenance Ltd can supply and install with the least amount of lead time and can begin on site almost instantaneously.
- 3.2.2 If the above action is not approved, enclosures are at risk of being supplied and installed by a company who are unlikely to have the appropriate expertise in installing suitable and safe enclosures such as the ones required. There would be a likelihood that the structural safety in keeping animals in, and the public out, would not be ensured.

### **3.3 Advertising**

- 3.3.1 No advertising was undertaken as part of this decision due to the specialist and unique nature of the requirement.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Due to the specialist nature of the fencing required for a zoo enclosure, it was advised that a professional company with experience in creating fencing for animal enclosures was used.

## **4.2 Equality and diversity/cohesion and integration**

- 4.2.1 Due consideration has been given to the needs of minority groups, as required under equality legislation, in the formation of the designs undertaken to this point.
- 4.2.2 Consideration will be given to ensuring that due regard is given to accessibility throughout the installation process.
- 4.2.3 Given that Tropical World, Home Farm and Lotherton Bird Garden are busy popular attractions the changes and improvements proposed at these sites should result in a positive impact on a significant number of people which will inevitably include a range of different users and equality characteristics.
- 4.2.4 The design of enclosures is fully inclusive. Enclosures will be able to be easily viewed by all visitors, regardless of equality characteristics. Equally, all enclosures will be installed with the mind to ensure the safety of all visitors.

## **4.3 Council policies and best council plan**

- 4.3.1 The project in its entirety complies with various Council policies and strategies relevant to improve the city and overall level of service provision.
- 4.3.2 The Vision for Leeds 2011 to 2030 sets out a revised vision for the city with the specific objective for Leeds to be the best city in the UK by 2030. In establishing this vision one of the top priorities to emerge from consultation was for the city to be a cleaner greener city. Aspects of this priority can be found in all of the areas in which the vision is intended to make a difference, although specific reference can be made to the commitment within the vision for Leeds to be the best city to live with good green spaces where everyone can enjoy a good quality of life. Developing this capital project will unquestionably enhance Lotherton Hall, one of the city's major park attractions, to the benefit of all residents and those immediate communities who utilise these spaces as a community green space.
- 4.3.3 The project proposal contributes to the Best Council Plan ambition of becoming a more efficient and enterprising council. These improvements also support the Best Council Plan 2016/17 priorities of 'Enhancing the quality of our public realm and green spaces' with increased visitor numbers 'Supporting economic growth'; an improved learning offer also contributes to the priority around 'Improving educational achievement'.
- 4.3.4 The ambitious plans for these attractions will lead to an improved visitor experience but also increased visitor numbers and therefore improved sustainability at each estate. The work to be completed by G.M.S Fencing & Maintenance Ltd will support this overall contribution towards both the Best Council Plan & Vision for Leeds.

## **4.4 Resources and value for money**

- 4.4.1 Due to the nature of the design, it would be unfeasible to use in-house service providers or a company with no/little experience of supplying and installing

animal enclosures in keeping with zoo standards and at least minimal husbandry standards.

4.4.2 A company which has significant experience is required. LCC therefore feels that G.M.S Fencing & Maintenance Ltd is the most suitable and cost-effective choice due to their specific portfolio of work, highlighting their success in carrying out similar styled projects.

#### 4.5 Legal implications, access to information and call-in

4.5.1 It is advised that it would be lawful for the Council to waive CPR 3.1.11; 3.1.15; 9.1 & 9.2 in these circumstances, provided that the Chief Officer is satisfied that there are compelling reasons to do so.

4.5.2 This decision is classed as a Significant Operational Decision and is therefore not eligible for call-in.

#### 4.6 Risk management

4.6.1 There is a risk that the Council may pay out monies for services that are not ultimately provided. However, given the specialist portfolio of G.M.S Fencing & Maintenance Ltd, this decision is considered to be a low risk.

4.6.2 It would perhaps be of higher risk to work with in-service providers on this project as they are very unlikely to have worked on similar, as technically challenging, design and build projects.

### 5 Conclusions

5.1 G.M.S Fencing & Maintenance Ltd's portfolio of work evidences that they provide a suitable and specialised service for the supply an installation of zoo animal enclosures. This service is something which could not be provided, to the best of our knowledge, in house or by a general fencing contract. Although there are a variety of fencing supply and installation companies available to LCC, to ensure the safety of the public through installing fencing specific to the role of enclosing animals, we believe a specialist such as G.M.S Fencing & Maintenance should be used.

5.2 It is therefore suitable for CPR 3.1.1.1; 3.1.15; 9.1 & 9.2 to be waived.

### 6 Recommendations

6.1 The chief officer of Parks & Countryside is recommended to approve the waiver of the following contracts procedure rule(s):

*Contracts procedure rule no 3.1.1.1 – category plan and approved budget*

*Contracts procedure rule no 3.1.15 – requirement to use the councils standard tender documents*

*Contracts procedure rule no 9.1 & 9.2 – high value procurements*

And award a contract to G.M.S Fencing & Maintenance Ltd in the sum of £108,443.60 for the provision of specialist expertise regarding the creation and adaptation of animal enclosures (Tapir; Forest Pigs; Penguins) at Lotherton Hall Bird Garden.

## **7. Background documents**

7.1. N/A