

Report of: Contract Officer, Parks and Countryside

Report to: Chief Officer Parks and Countryside

Date: 09/08/2017

Subject: Waiver of Contract Procedure Rules for the supply and spray of concrete to feature pools at Lotherton Hall Bird Garden.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Harewood		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number: Appendix number:		

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 works included within this scheme fall within the provisions of Contract Procedures Rules (CPR) 3.1.4 in that an internal service provider (ISP) exists and has confirmed that they can carry out the works. Therefore work is to be undertaken by Parks and Countryside Parks & Countryside who will act as a principal contractor utilising the support of specialist subcontractors for specific design and construction elements that cannot be delivered by an internal service provider due to the specialist nature of the refurbishment.
3. The redeveloped animal pools within the newly defined enclosures require a special treatment before they can become functioning, in essence this relates to the establishment of the final pond surface treatment. One option is to undertake this process manually; the alternative is to engage a specialist to achieve the final pond surface treatment.
4. In order to expedite the final completion of the scheme, it is proposed to engage a specialist subcontractor. As a result it is requested that a contract be awarded to Contech UK, to carry out these works at Lotherton Hall.

Recommendations

5. 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 8.1 and 8.2 – intermediate value procurements

And award a contract to Contech UK in the sum of £35,000 to support in the surfacing for in animal enclosures at Lotherton Hall.

1 Purpose of this report

- 1.1 The purpose of this report is to seek approval from the Chief Officer to waive CPR 3.1.1.1; 3.1.15; 8.1 & 8.2 in order to engage Contech UK to support the Parks and Countryside service in completing the work to new animal enclosures at Lotherton Hall.

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.
- 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 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.
- 2.4 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. It has been recognised that the current pools within the enclosures require a special treatment to establish the final level prior to completion.

3 Main issues

3.1 Reason for contracts procedure rules waiver

- 3.1.1 As referred to throughout this project, LCC are acting as principle contractor on the redevelopment works, with special support on niche elements of the project.
- 3.1.2 Significant consideration needs to be given to animal welfare in the construction of animal enclosures, in this instance that has included the final surface treatment of the penguin enclosure. It is possible that this could be completed manually however a better and more appropriate finish could be achieved by engaging a specialist to support the existing team.

3.1.3 Furthermore, this process is less time consuming and less labour intensive. The intention is that the completion date for these works will be October 2017. It is therefore critical that the pond surfacing works are completed in the coming weeks in order to meet this aspirational date for opening. Resurfacing works are critical in given that they must be complete in order to allow technical teams to test equipment and ensure appropriate water quality and filtration prior to incorporating animals.

3.1.4 It will also be necessary to waive CPR 3.1.15 in line with the fact that standard tender documents were not used in order to progress quickly with the works. Due to time constraints on the project as a whole, as well as only a select number of local, specialised companies available to complete these works, 3 appropriate companies were asked to quote for the same works, each providing a quote back before any decisions or analysis of quotes were made.

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; 8.1 & 8.2 not be waived there will be significant delays in the programme of works at Lotherton Hall and several negative effects on the zoo attraction and estate as a whole which are summarised in the below;

- Being efficient with the time that LCC as principle contractor have to complete the project for October 2017, means that we need to work with a contractor on site as soon as possible. Contech UK can supply and install in a short lead time and can begin on site almost instantaneously upon order. Should the recommended CPR not be waived, there are overall budget implications on the P & C Business Plan should the programme of works be stalled to work with a different contractor. This could also potentially deter the progress of redevelopment at other attractions.
- If the above action is not approved, enclosures are at risk of being shotcrete sprayed by a company who are unlikely to have the appropriate expertise in providing such a specialist service which ultimately meets the requirements of the animal enclosures' pools.

4 **Advertising**

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

5 **Corporate considerations**

5.1 **Consultation and engagement**

5.1.1 No consultation was undertaken in reaching this decision.

5.2 **Equality and diversity/cohesion and integration**

5.2.1 Due consideration has been given to the needs of minority groups, as required under equality legislation, in the formation of the designs on site undertaken to this point.

- 5.2.2 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.
- 5.2.3 As this process is a finishing technique used to ensure the safety of pools there is however very little effect (if any) on equality, diversity, cohesion and integration of visitors.

5.1. Council policies and best council plan

- 5.1.1. The project in its entirety complies with various Council policies and strategies relevant to improve the city and overall level of service provision.
- 5.1.2. 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.
- 5.1.3. 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'.
- 5.1.4. 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 Contech UK will support this overall contribution towards both the Best Council Plan & Vision for Leeds.

5.2. Resources and value for money

- 5.2.1. Alternative construction methods and material options have been considered, the route decided upon which is outlined in this report is the most expedient in terms of time and will therefore represent best value in allowing work to complete promptly.

5.3. Legal implications, access to information and call-in

- 5.3.1 This report is not eligible for call in due to the proposed award value, and as a result is considered a 'Significant Operational' decision.

5.4. Risk management

- 5.4.1. There is a risk that the Council may pay out monies for services that are not ultimately provided. However, given the specialist portfolio of Contech UK, this decision is considered to be a low risk.

6. Conclusions

6.1. There are budget implications associated with the completion of the project at Lotherton Hal. It is necessary for this to be completed in an expedient manner and that the work undertake give due regard to the highest standards of animal welfare throughout. The decision to waive CPR's in this instances will expedite the build programme and deliver an improved end product with no material impact on the holistic construction budge.t

6.2. It is therefore suitable for CPR 3.1.1.1; 3.1.6; 3.1.15; 8.1 & 8.2 to be waived.

7. Recommendations

7.1. 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 8.1 and 8.2 – intermediate value procurements

And award a contract to Contech UK in the sum of £35,000 to support in the surfacing for in animal enclosures at Lotherton Hall.

8. Background documents

8.1. N/A