

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

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

**Date:** 2nd November 2017

**Subject:** Waiver of CPR for the direct decision to appoint specific trail build contractors to work on the site of Leeds Urban Bike Park.

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Middleton Park		
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

- Following the closure of Middleton Park Golf Club, consultation was undertaken regarding the redevelopment of this part of the estate and this led to the development of a proposal that built on the development of cycling infrastructure. This included a competition standard urban mountain bike trail centre on the former golf course including a bmx track, cross country mountain bike trails, a pump track and skill zones. This was the subject of a report to the councils Executive Board in March 2017.
- Upon receiving planning approval, works on site have begun and completion of phase 1 and elements of Phase 2 are nearing completion with the remainder of the work extending into 2018.
- The landscape related works 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 who will act as a principal contractor. In order to comply with the terms of the grant awarded by British Cycling the service will utilise the support of specialist subcontractors for specific design and

construction elements that cannot be delivered by an internal service provider due to the specialist cycling specific nature of the refurbishment.

4. During construction to this point and indeed moving forward, specialist contractors have been engaged to support in the delivery of the holistic scheme. A number of direct appointments have been made and this waiver will outline the rationale for these decisions and the requirement to waive CPR rules.

## **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 contained on a category plan*  
*Contracts procedure rule no 3.1.8 decision to enter into a procurement*  
*Contracts procedure rule no 3.1.13 complete a procurement plan*  
*Contracts procedure rule no 3.1.15 use of standard tender documents*  
*Contracts procedure rule no 3.1.16 complete a contract management plan*  
*Contracts procedure rule no 8.1 & 8.2 intermediate value procurements*  
*Contracts procedure rule no 9.1 & 9.2 high value procurements*

*And award a contract to:*

- *Bike Track Ltd;*
- *Dirtworks BMX;*
- *Norman Ashworth Ltd.*
- *Prostart*
- *Journal Design Ltd*
- *LineTop Ltd.*

## **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, 3.1.8, 3.1.13, 3.1.15, 3.1.16, 8.1, 8.2, 9.1 and 9.2 in order to allow the appointment Bike Track Ltd; Norman Ashworth Ltd; Dirtworks BMX, Journal Design and Line Top Ltd to provide specialist support to the Parks and Countryside Service to complete the construction of the bike park.

## **2. Background information**

2.1 Following the closure of Middleton Park Golf Club, consultation regarding the redevelopment of the site led to the development of a cycling infrastructure proposal to create a competition standard urban mountain bike trail centre on the former golf course.

2.2 Proposals were supported by British Cycling and Sport England whom committed funding towards the development of both the trails element, and the supporting hub facility at the former golf club house.

2.3 Following planning approval, the works to site were split into 3 phases of construction in line with the need to discharge several planning conditions before full-build completion:

- Phase 1:           Creation of mini-pump track  
                          Creation of pump track  
                          Redevelopment of former golf club house building
- Phase 2:           Creation of skills zone  
                          Beginning of the 6km trails (outside of the woodland area)
- Phase 3:           Completion of the 6km of trails (within the woodland area)

2.4 Phase 1 works have commenced on site and are due for completion imminently. The appointments that are the focus of this report will provide the specialist skills needed to support the Parks and Countryside service in completing this technical project.

2.5 Funding for these work streams has been provided by British Cycling and Sport England alongside LCC contributions. As a result, there have been various conditions that LCC as principle contractor has needed to adhere to in relation to construction and design. Part of the rationale for this waiver is to request approval to work within these conditions, and to support direct appointments without competition that will expedite the completion of the project within agreed deadlines.

## **3 Main issues**

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

3.1.1 A requirement of receiving British Cycling funding was that LCC would engage with a specialist trail-builder to complete works that require specialist cycling knowledge to deliver elements of the scheme that require design input and revision during construction. From the onset of the design proposal for this construction project, LCC has engaged with

recommended specialist design and build contractors in order to deliver on the rationale for the bespoke trail centre concept.

3.1.2 The issue of specialist design and build input relates to the appointment of Bike Track Ltd, Dirtworks BMX, Norman Ashworth Limited, Prostart and Line Top Ltd. In each of these instances the service provided is bespoke and it is neither feasible nor practicable to undertake a competitive procurement exercise given the restrictions and conditions associated with the timetable for delivery. The direct appointment of contractors with bespoke knowledge of the site specific design and necessary construction techniques will expedite the completion of construction in line with the grant conditions for delivery will provide best value by minimising expenditure on materials, plant and labour. Similarly the appointment of Journal to undertake the design of branding and signage is necessary to complete extended works undertaken as part of phase one which requires extensive signage beyond that originally anticipated as part of the phase one works.

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

3.2.1 Should this waiver not be approved the programme of works at Middleton Park will be significantly delayed which in turn would negatively impact the funding process. Funding for the project is time-dependant and in order to meet deadlines set by British Cycling and Sport England.

### 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 build, it was advised by British Cycling that a specialist trail designer was sought for the design and build of some elements of the bike park. With this in mind, three quotes were obtained and the one of best value was chosen to work on the design.

4.1.2 Moving forward into build, consultation has not taken place but instead an extension of the works first tendered for (design) has occurred. LCC would like to continue to work with the initial designer for the reasons expressed above.

### 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. Consideration will continue to be given to ensuring that due regard is given to accessibility throughout the entire project.

4.2.2 The design and build of the bike park has incorporated graded features which enables individuals to choose a route suited to their ability. Through doing so, the bike park will cater for beginners, through to expert level. This will be implemented throughout site with a signage plan providing not only accessibility and location information, but also safety information on what trails are suitable for certain abilities.

4.2.3 In addition to this, some features of the bike park will be able to be used by disabled access bikes.

### 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 was for the city to be a cleaner, greener city.

4.3.3 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 Middleton Park, to the benefit of all residents and those immediate communities who utilise these spaces as a community green space.

4.3.4 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 and in turn 'supporting economic growth'. The visitor pull of the park as a bespoke urban trail centre also appeals to a wider community of active mountain bike enthusiasts. Growing demand for the bike park can be evidenced through social media. The growing interest in the final product demonstrates the wider, national visitor attraction that a site such as this is beginning to have.

4.3.5 There is already evidence of the momentum for cycling building in the area, through the support of Cycle Pathways in developing a sport development plan for the site. Prior to build, a variety of regular cycling and running groups were established on site. The ambitious plans to build the bike park infrastructure at Middleton Park will lead to an improved visitor experience and enhance the development of such activities. It is hoped that the development will increase the capacity of the park to facilitate such activity and in turn that increase visitor numbers, providing opportunity for improved sustainability at the site.

### 4.4 Resources and value for money

4.4.1 The scheme is fully funded and includes extensive funding from external partners. Those partners have supported in the development of the scheme and are part of the project team developing it.

4.4.2 The appointments proposed within this waiver will expedite the completion of the project and its delivery will be within the budget proposed agreed for the capital project.

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

4.5.1 This decision is not eligible for call in.

#### 4.6 Risk management

4.6.1 The holistic project is being managed by the Parks and Countryside Service in its capacity as internal service provider. The project under construction is specialist in nature and elements within require design modification during the construction process. The work will be supervised and instructed by the Parks and Countryside service which will support in mitigating any associated risk.

### 5 Conclusions

5.1 Due to the specialist nature of the construction of Leeds Urban Bike Park, it has been recommended as a condition to funding awards that a specialist trail builder is used to complete several features of the build. In order to adhere to these funding conditions, it is suggested that CPR are waived in order to make a direct decision to work with the contractors listed in the recommendations section of this report. Should a competitive tender exercise need to be completed this would put the project at risk of falling behind of the work programme which could affect the funding which is time-dependent.

### 6 Recommendations

6. 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 contained on a category plan*  
*Contracts procedure rule no 3.1.8 decision to enter into a procurement*  
*Contracts procedure rule no 3.1.13 complete a procurement plan*  
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### 7 Background documents

7.1 N/A