

Report of: Maria Akers

Report to: Chief Officer Parks and Countryside

Date: 1.4.18

Subject: Provision of specialist Animal Feeds from Dietex International Ltd / Mazuri Zoo foods.

Are specific electoral wards affected? If yes, name(s) of ward(s):	Yes	X No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	X No
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	X No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	X No

Summary of main issues

1. Leeds City Council operates three licenced zoo collections, Tropical World, Lotherton Wildlife World (Formerly Lotherton Hall Bird Garden) and the West Leeds Country Park Visitor Centre WLCPVC). The zoos house a variety of rare and exotic animals which do not fall into the category of domesticated stock such as farm animals or pets.
2. The Supplier Dietex International Ltd., also trading as Mazuri zoo foods provides specialist animal feeds which are designed specifically for exotic animals and are guaranteed free of drugs or other unsuitable additives.
3. With the introduction of larger more complex species in the recent and planned developments the zoos will require greater amounts of this type of specialist food. Some zoos manufacture their own feed but this is not an option suitable for the small animal collections of Leeds.
4. Dietex International Ltd / Mazuri zoo foods provide for the majority of zoos in the UK and beyond. The collection managers have been unable to find an alternative supplier for the specialist range of feeds. It is therefore proposed to go to this single supplier.
5. It is therefore requested that the Chief Parks and Countryside Officer waive contract procedure rules to enable this transaction to proceed.

Recommendations

1. The Chief Parks and Countryside officer is requested to waive contract procedure rules 3.1, 3.1.6, 3.1.7, 8.1 and 8.2 (in accordance with CPR27) in respect of the requirement to approach a single supplier who can provide the product as necessary.
2. The Chief Officer Parks and Countryside is requested to approve expenditure and provide authority to spend for the sum of £12,000 per annum with Dietex International Ltd., also trading as Mazuri foods, PO Box 705, Witham, Essex, CM8 3AD.
3. This waiver to remain in place for five years with an annual maximum spend across the collections of £12,000 totaling no more than the sum of £60,000 for the period of the waiver.

1. Purpose of this report

- 1.1 This report is to seek approval from the Chief Officer to waive contract procedure rules 3.1.6, 3.1.15, 8.1 and 8.2 (in accordance with CPR27) to allow the purchase of specialist zoo animal feeds from a single supplier to satisfy specialist dietary requirements.
- 1.2 The report then seeks the approval of the Chief Officer of Parks and Countryside to spend funds from the Bird Garden Budget 22 147; the Tropical World budget 22 111.

2. Background information

- 2.1 The Leeds City Council Zoos are all licenced under zoo licence legislation as required by DEFRA.
- 2.2 The collections have a legal requirement to provide the best care possible for its stock. This includes, amongst others, suitable dietary, husbandry and enclosure provision.
- 2.3 The zoos form part of Parks and Countryside's estate visitor attractions and contribute to the generation of significant income; total income to Lotherton Hall was in excess of £1million in 2016/17 and that of Tropical World in excess of £2 million in 2017/18.
- 2.4 Both Tropical World and Lotherton Wildlife World are undergoing a series of phased development programs which will increase their visitor numbers.

3. Main issues

- 3.1 Where possible commercially available feeds are used and for many of the diets it is possible to obtain three quotes to obtain best value.
- 3.2 A significant number of the animals require specially formulated diets in order to achieve the best practice as required to achieve licencing objectives.
- 3.3 The above supplier is the only manufacturer identified to be able to supply the specific specialist diets of certain animals.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 No consultation required.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 There are no diversity considerations for this purchase.

4.3 Council policies and best council plan

- 4.3.1 The Vision for Leeds 2011 to 2030 is to be the best city in the UK by 2030. It has specific aims that the economy will be prosperous and sustainable and that all Leeds' communities will be successful, where there are high quality buildings,

places and green spaces, which are clean, looked after and respect the City's heritage.

- 4.3.2 Effective management of the zoos will enable Parks and Countryside to sustain and grow existing revenue streams. The zoos also contribute to the priority of 'Improving educational achievement' through both active and passive learning experiences.

4.4 Resources and value for money

- 4.4.1 The zoos contribute to the revenue income of the authority and visits to these attractions also encourages secondary spend in cafes and shops where they are located.
- 4.4.2 There is no alternative commercially available solution.

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 3.1.6, 3.1.15, 8.1 and 8.2 in these circumstances
- 4.5.2 This is a significant operational decision which is not subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 4.5.3 Awarding a contract directly to Dietex International Ltd., also trading as Mazuri foods, PO Box 705, Witham, Essex, CM8 3AD in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest that it has not been wholly transparent as the opportunity is not being advertised. In terms of transparency, it should be noted that it is a requirement of recent case law to consider whether contracts of this value should be subject to a degree of European wide advertising. It is up to the Council to decide what degree of advertising is appropriate. In particular, consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices, etc) and the geographical location of the place of performance.
- 4.5.4 The Chief Officer of Parks and Countryside has considered this and due to the relatively low value of the contract and the requirement to physically deliver the services in Leeds, is of the view that the scope and nature of the services is such that it would not be of interest to contractors in other EU member states.
- 4.5.5 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 and 8.2, the content of the report should be noted. In making their final decision, the Chief Officer of Parks and Countryside should be satisfied that the approved course of action represents best value for the council.

4.6 Risk management

- 4.6.1 There is a risk that the service may purchase animal feeds where an alternative could be obtained more cheaply elsewhere, however given the specific nature of the products and the knowledge of the zoo management team this risk is considered to be low.

5. Conclusions

- 5.1 There is only one supplier able to provide the specialist ranges of feed required for the zoos.
- 5.2 The ability to purchase from the above supplier will enable the collections to feed exotic stock with the correct dietary requirements, thus ensuring that no animal welfare issues are generated, such as deficiencies or the introduction of toxins/undesired drugs / chemicals.
- 5.3 It is therefore deemed appropriate that CPR 3.1.6, 3.1.15, 8.1 and 8.2 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) for a time period of five years from 1.4.18:

Contracts procedure rule no 3.1.6 – requirement to use existing suppliers

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

Contracts procedure rules no 8.1 and 8.2 – intermediate value procurements

And permit collection managers to spend up to £12,000 per annum (total sum across all collections).

7 Background documents

- 7.1 N/A