

**Report of Parks Technical Officer**

**Report to Chief Officer Parks and Countryside**

**Date: 16<sup>th</sup> July 2018**

**Subject: Waiver of Contract Procedure Rules (CPRs) 8.1 and 8.2 and approval to award a contract directly to a provider for the supply of painting Tennis Courts and Multi Use Games Areas without seeking competition.**

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of ward(s): Bramley & Stanningley, Weetwood, Pudsey, Farnley & Wortley, Calverley & Farsley, Morley South and Little London & Woodhouse		
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. The Tennis Courts and Multi Use Games Area in various parks in the west of the city require cleaning, marking and painting. These improvements have been requested by the local users, community and ward members and are specific to the needs expressed.
2. The area, timescales and needs of the scheme have resulted in a request that the Chief Parks and Countryside Officer, waive contract procedure rules to enable the purchase of these specific products.

**Recommendations**

1. The Chief Parks and Countryside officer is requested to –
  - (i) waive contract procedure rules 8.1 and 8.2 (in accordance with CPR27) in respect of the requirement to approach suppliers who can provide the products as necessary due to the time constraints, quality of products, user requirements and location of products; and
  - (ii) approve the placing of orders to Axo Leisure for £45,969 for cleaning, marking and painting of tennis courts and multi-use games areas Bramley Park, Westroyd Park, Queens Park, Western Flatts Park, Dartmouth Park, Woodhouse Moor and The Hollies.

## **1 Purpose of this report**

- 1.1 This report requests authorisation to waive contract procedure rules 8.1 and 8.2 (under the authority set out in CPR 1.3) and award a contract directly to the provider referred to in section 3 below, for the supply of play equipment without seeking competition. No internal service providers exist.

## **2 Background information**

- 2.1 The Parks and Countryside service primarily rely on funds such as Section 106, Community Infrastructure Levy, Landfill Community Fund, Ward Member contributions (WBI) to support new facilities and upgrade existing facilities and also source external grant funding to help achieve the best schemes for Leeds.
- 2.2 Our strategic aim is to ensure all our community parks and those with the highest footfall, reach the Leeds Quality Park standard, similar to the national Green Flag standard, therefore we target our resources towards this whilst considering refurbishments such as these.
- 2.3 We aim to design our facilities to include access for all users, we undertake a consultation process to ascertain user demographics and needs. Engaging with ward members; schools; resident associations; friends groups; community groups and play area designers. This process ensures the equipment encourages role play, is interactive, helps children use their imagination, is inclusive and has a varied play value. The safety aspects of designing a play facility and the budget available are taken into consideration and therefore this restricts the items permitted.
- 2.4 A Dynamic Purchasing System was devised to ensure a fair system is in place to help procure, Lot 2 - Multi Use Games Areas but this excludes painting and marking of such facilities, therefore the DPS process cannot be used.

## **3 Main issues**

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

- 3.1 The delivery of this project has become crucial and there have been specific items requested.
- 3.2 It is therefore proposed to place specific orders directly with Axo Leisure for £45,969 for cleaning, marking and painting of tennis courts and multi-use games areas where applicable.
- 3.3 The advantage of working with this specific supplier in these circumstances is that it helps us to design the equipment around existing items, to suit the location, aesthetics and achieve British Standard BS1177 and 1176. It is therefore requested that the Chief Parks and Countryside Officer, waive contract procedure rules to enable the purchase of these specific products.

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

- 3.3 Should this proposed approach not be approved, it would be necessary to seek further competition, delaying works on site. Works on the sites will commence shortly and the delay to supplies would require further funding to account for additional resources i.e. hire of equipment. Works on the facilities are kept to a minimum so as not to further inconvenience local communities.

## **Advertising**

- 3.4 It is not proposed to advertise this opportunity due to the circumstances highlighted at section 3 above.

## **4 Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 Consultation on the project has been carried out with Ward Councillors and local community groups. Consultation was not undertaken on the proposal to waive contract procedure rules given that the decision being taken did not materially affect the general public.

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

- 4.2.1 A screening document was completed in respect of the decision proposed to be taken within this report and that process established that a full equality impact assessment was not required.
- 4.2.2 In support of the above statement, it is felt that the proposal doesn't adversely affect how services and/or procurement activities are organised, provided, or located. The service is seeking to improve the way in which a service is delivered to the public to through better access to the existing resource. Furthermore, the changes made will have no discernible negative effects on service users, and will provide only benefits to those using the site.

### **4.3 Council policies and city priorities**

- 4.3.1 The most relevant Vision for Leeds (2012-2030) ambition is to have high quality buildings, places and green spaces, which are clean, looked after and respect the city's heritage, including buildings, parks and the history of our communities by 2030.
- 4.3.2 The priorities identified in the Leeds City Priority Plans 2011 to 2015 of most relevance to this project are:
- Improve cleanliness and access to quality of green spaces; and
  - Protect the distinctive green character of the city
- 4.3.3 On 22nd August 2007, through revisions to the council's Capital Strategy, Executive Board resolved that, where there are funding requirements for pre-determined priority works to community parks, play areas and sports pitches, any available S106 funds should be used where such works are legally eligible within the terms of the legal agreement.

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

- 4.4.1 The items to be purchased are sustainable, comply with the appropriate British Standards and can be delivered within the time constraints and user requirements.

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

- 4.5.1 This report is not eligible for call in due to the proposed award value, and nor is the marginal impact considered to be significant meaning this therefore represents a 'Significant Operational' decision. No sections of this report are restricted under the access to information rules. A waiver of the council's contract procedure rules is

required to allow the purchase of a particular product without competition for the reasons outlined in this report.

#### **4.6 Risk management**

4.6.1 There are no significant risks associated with this decision.

#### **5 Conclusions**

5.1 It is therefore proposed to approach Axo Leisure to supply the works described in this report amounting to £45,969.

#### **6 Recommendations**

6.1 The Chief Parks and Countryside officer is requested to –

- (i) waive contract procedure rules, 8.1 and 8.2 (in accordance with CPR27) in respect of the requirement to approach a supplier who can provide the product as necessary; and
- (ii) approve the placing an order with Axo Leisure for £45,969 for cleaning, marking and painting of tennis courts and multi-use games areas in Bramley Park, Westroyd Park, Queens Park, Western Flatts Park, Dartmouth Park, Woodhouse Moor and The Hollies.

#### **7 Background documents**

7.1 None