

## Report of Parks Technical Officer

### Report to Chief Officer Parks and Countryside

**Date:** 14<sup>th</sup> February 2019

**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 play equipment without seeking competition.

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|--|---|--|
| Are specific electoral wards affected?<br>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?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

### Summary of main issues

1. One item of play equipment is required to increase the play value of the current wooden fixed play area at Lotherton Hall.
2. A Dynamic Purchasing System for the procurement of Fixed Play Equipment is in place, however this does not include the supply and installation of wooden outdoor fixed play equipment. The preferred supplier provides quality play equipment that fits in with the current style and materials used within the play area. It is therefore requested that the Chief Parks and Countryside Officer, waive contract procedure rules to enable the purchase of this specific product.

### 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 product as necessary due to the style of the play equipment, materials required and quality of the product; and
  - (ii) approve the placing of an order to Timberplay Ltd for £16,830 for the supply and installation of one item of wooden play equipment, a Queen swing.

## **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 and installation of one item of wooden play equipment without seeking competition. No internal service providers exist.

## **2 Background information**

- 2.1 At present the Lotherton Hall estate generates circa 190,000 visits per annum. 50% of visitors to the attraction are likely to have children, with the majority aged between 0 – 11.
- 2.2 The proposal to improve the play area at Lotherton has been developed to increase the play value of the site. It is anticipated that this will subsequently lead to an increase in visitors numbers. Development of the visitor experience to the site is essential in order to ensure the attraction remains viable financially and accessible to the public.
- 2.3 We aim to design our play facilities to include access for all users. The 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. The item is to be purchased using available revenue monies.
- 2.4 A Dynamic Purchasing System was devised to ensure a fair system is in place to help procure Lot 1 - Fixed Play equipment and Lot 2 - Multi Use Games Areas. Due to the requirement to provide products that fit in with the style of the play equipment and materials required, the DPS process cannot be used.

## **3 Main issues**

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

- 3.1 The development of the play area is essential to the site to ensure that we increase the play value and variety of equipment available for its visitors. Furthermore to increase the visitor experience to the attraction.
- 3.2 It is therefore proposed to place a specific order directly with Timberplay Ltd for £16,830 for the supply and installation of one item of wooden play equipment, a Queen swing.
- 3.3 The advantage of working with this specific supplier in this circumstance 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 this specific product.

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

- 3.4 Should this proposed approach not be approved, it would be necessary to seek further competition, risking the reduction in quality of the play units and providing equipment that would not fit in with the style of the playground.

## **Advertising**

- 3.5 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 development of the Lotherton Hall Estate was undertaken as part of the Charging Report taken to Executive Board in 2011. Consultation was not undertaken on the proposal to waiver 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 does not 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 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

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

- 4.4.1 The item to be purchased is sustainable, complies 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 Timberplay Ltd to supply the play equipment described in this report.

## **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 of an order with Timberplay Ltd £16,830 for the supply and installation of one item of wooden play equipment, a Queen swing and a Hexagonal swing.

## **7 Background documents**

7.1 None