

**Report of: Commercial Manager - Parks and Countryside**

**Report to: Chief Officer Parks and Countryside, Communities and Environment**

**Date: 24/07/2020**

**Subject: Parks and Countryside Tree Scheme - Waiver of Contracts Procedure Rule 9.1 and 9.2 High Value Procurement.**

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" 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? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Summary of main issues**

1. The purpose of this report is to seek approval to waive CPR 9.1 and 9.2 High Value Procurement to enter into a contract with Ebtech Glasshouse Systems Ltd for the procurement of a bespoke fully automated specialist tree benching system at the Arium.
2. In response to the Council's Climate Change emergency, Executive Board gave approval for the Parks and Countryside service to convert 630 hectares of Parks and Countryside land to woodland over the next 25 years, equating to 25 hectares per year.
3. The Arium has a total of four growing zones which were originally designed for bedding production. Two zones are currently benched already, though the type of benching is not suitable for tree growing and only works for bedding and wildflower. A third zone is utilised for containerised plants including fountains and hanging pots.
4. In order for the Arium to be able to produce the required trees, adaptations need to be made to the remaining 4<sup>th</sup> zone to maximise the efficiency of the project through an automated tree specific benching system.
5. Due to the bespoke technical nature of the glass house and the need for the automated benching system to be fully integrated with the Hortimax system, specialist contractors are required to implement these works and for this to be completed by Christmas.

**Recommendations**

1. The Chief Officer, Parks and Countryside is recommended to approve the waiver of CPR's 9.1 and 9.2 High Value Procurement to enable direct award to Ebtech Glasshouse Systems Ltd to the value of £200,000 for the procurement of a bespoke fully automated specialist tree benching system at the Arium.

## **1. Purpose of this report**

- 1.1 The purpose of this report is to seek approval to waive CPR 9.1 and 9.2 High Value Procurement to enter into a contract with Ebtech Glasshouse Systems Ltd for the procurement of a bespoke fully automated specialist tree benching system at the Arium.

## **2. Background information**

- 2.1 In response to the Council's Climate Change emergency, Executive Board gave approval for the Parks and Countryside service to convert 630 hectares of Parks and Countryside land to woodland over the next 25 years, equating to 25 hectares per year.
- 2.2 In order for the Arium to be able to produce the required trees, adaptations need to be made to the existing glass house to maximise the efficiency of the project through an automated tree specific benching system.
- 2.3 It will be important to have a dedicated zone for the growing of trees as the climate and temperature controls need to be different to the other growing zones within the existing glass house.
- 2.4 The Director of Communities and Environment has given approval to spend £200k from the capital programme to construct an automated benched zone at the Arium.

## **3. Main issues**

- 3.1 There is a clear service need for a tree specific benching system complete with irrigation and bench compression to cope primarily with the weight of the trees and to protect the foundations of the building from waterlogging.
- 3.2 Due to the bespoke technical nature of the glass house and the need for the automated tree benching system to be fully integrated with the Hortimax system, specialist contractors are required to implement these works by Christmas. The timing of which, will minimise the impact on the scheme and other horticultural services within the glass house.
- 3.3 Ebtech Glasshouse Systems Ltd are specialist contractors who were the original sub-contractors, who installed the existing bench system within the glass house. Using the same specialists will ensure that the proposed automated tree benches, will fully integrate with the existing irrigation bench system within the glass house.
- 3.4 Ebtech Glasshouse Systems Ltd have also confirmed that they will be able to complete the bespoke works within the time frame being proposed.

## **4. Corporate considerations**

### **4.1 Consultation and engagement**

- 4.1.1 The Executive Member for Environment & Sustainability has been consulted on these proposals. The details were also discussed at full Council earlier in the year and the tree planting scheme has also been given full approval at Executive Board.

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

- 4.2.1 Due regard has been given throughout the decision making process and a screening document has been prepared and an independent impact assessment is

not required for the approvals requested. The screening document has been sent to the equality team to be approved and published and the procurement raises no issues relating to equality and diversity / cohesion and integration.

### **4.3 Council policies and best council plan**

4.3.1 The waiver of the Council's Contracts Procedure Rules in relation to the procurements of works to the Arium and this report draws attention to co-ordinated working that demonstrates a contribution towards the following priorities contained in the City Priority Plan:

- Best city for communities – engage communities in seed gathering for the tree growing project.
- Best City to Live – improve the cities air quality and carbon reduction through tree planting.
- Best Council Plan 2020 – 2025 – Sustainable infrastructure – tackling climate change risks,
- Vision for Leeds 2011 – 2030
- The report highlights the contribution to the following Council Business Plan priorities:-
- Improve the quality of Leeds parks
- Reduce negative climate impact
- Work effectively at the local level

#### Climate Emergency

4.3.2 By allowing the service to make key adaptations to its horticultural facility it will be able to produce a significant number of high quality tree specimens to meet the demand to increase the cities canopy cover over the coming decade.

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

4.4.1 The Arium is a complex site and is also a key visitor attraction which provides income generation. It is integral that this process isn't hindered during the proposed works. As such working with the original sub-contractor will ensure business continuity whilst at the same time minimising potential risk.

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

4.5.1 The decision to waive CPR 9.1 and 9.2 will be a significant operational decision and is therefore not subject to call in. There are no grounds for keeping the contents of this report confidential under the Access to Information rules.

### **4.6 Risk management**

4.6.1 The risk associated with this waiver is thought to be low given the urgency and specialist nature and quality of the proposed work. If a contractor not familiar with the specialist horticultural equipment at the Arium were to take on the work, it could compromise the operational capacity of the site, impacting production of the city's planting and income generation.

- 4.6.2 It is also important that the proposed works are to be completed before Christmas to minimise any risk of impacting on other income generating work.
- 4.6.3 Although there is no overriding legal obstacle preventing the waiver of CPR 9.1 and 9.2 the content of the report should be noted. In making their final decision, the Chief Officer of Parks Countryside should be satisfied that the approved course of action represents best value for the council.

## **5. Conclusions**

- 5.1 As soon as the proposed works are completed and benched out, this zone will then become the primary zone for tree production, allowing for near perfect growing conditions, fast and responsive watering and ease of movement.

## **6. Recommendations**

- 6.1 The Chief Officer, Parks and Countryside is recommended to approve the waiver of CPR's 9.1 and 9.2 High Value Procurement to enable direct award to Ebtech Glasshouse Systems Ltd up to the value of £200,000 for the procurement of a bespoke fully automated specialist tree benching system at the Arium.

## **7. Background documents<sup>1</sup>**

- 7.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.