

Agenda item:

**[No.]**

**Procurement Committee Report**

**On 7 July 2009**

Report Title.

Waiver in respect of CSO 6.04 to appoint a Project Manager for the Parkland Walk Improvements Programme

Report of **Mun Thong Phung, Director of Adult, Culture and Community Services**

Signed :

Contact Officer : Paul Ely ext 5690

Wards(s) affected: **Highgate, Crouch End, Stroud Green, Muswell Hill**

Report for: **non-key decision**

**1. Purpose of the report (That is, the decision required)**

1.1. In accordance with Contract Standing Order 7.05 the waiver of Contract Standing Orders is sought for the second time in relation to the same contract and regardless of the value of the contract, that waiver may only be agreed by the Cabinet Procurement Committee.

**2. Introduction by Cabinet Member (if necessary)**

This year has seen an allocation of £170k from Transport for London's Greenways project to carry out further improvements to the Parkland Walk Local Nature Reserve.

These improvements to the path and its access points are of great benefit for our residents who are visiting in increased numbers to walk, cycle and jog.

The increased visits also contribute to our LAA targets for increasing participation in recreational activity in our adult residents.

This report seeks approval to appoint a Project Manager to complete the third and final year of funding for this programme.

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

The project will contribute to a number of current LAA outcomes identified in the Haringey Strategic partnership's Local Area Agreement 2008/09-2010-11, including NI 8 Adult participation in sport and physical activity

**4. Recommendations**

That in accordance with CSO 7.05 approval be granted to a waiver of the requirements to seek quotations or tender (CSO 6.04) in respect of the appointment of a Project Manager for the Parkland Walk Improvement Programme..

**5. Reason for recommendation(s)**

5.1 Mayer Brown Ltd was appointed for each of the last two years in accordance with Contract Standing Orders (CSO) to implement their designs and administer the works contract for the Parkland Walk improvements.

5.2 Mayer Brown prepared the 'Greenways' study reports, created the design specifications, undertook statutory consultation with Haringey Transportation Section, and have with Procurement colleagues prepared and evaluated works tenders for the past 2 years.

5.3 Mayer Brown Ltd fees comparison – please refer to Appendix A. Please note this is an exempt item

5.4 Mayer Brown Ltd are recommended for the following reasons:

- That they created the designs and implemented the works to date
- That they represent best value
- To commence a procurement process would result in delay and possible loss of funding.

**6. Other options considered**

- a. The appointment of an alternate framework supplier will result in a 'start again scenario.
- b. The alternate will be unfamiliar with the site, consultation results, designs and works carried out to date.
- c. An alternate will result in additional design costs.

d. There will be an ensuing delay in the procurement of a works contractor for 09/10

## **7. Summary**

The Parkland Walk, managed by Recreation Services Parks Dept., is a former steam railway line and the longest Local Nature Reserve in London. The Walk is in two distinct sections, referred to as Parkland Walk South and Parkland Walk North.

These public rights of way form a major part of one of the borough's Greenways routes, a Countryside Agency initiative to encourage walking and recreational cycling.

In 2007 Transport for London (TfL) awarded £200k to the project.

Following an extended period of public consultation in 2007 the Lead Member for Urban Environment approved the project and improvements to access steps and some drainage and path repairs were carried out.

In 2008 a further £250k was allocated allowing more drainage and path improvements to be made.

For 2009/10 the Council's Transport Planners have been allocated a further £175k to complete improvements.

The design and implementation of the works to date have been conducted by consultant engineers Mayer Brown Ltd, originally appointed by Transportation Planning section after successfully tendering to carry out 'Greenways' walking and cycling designs for Haringey.

In 2007 and 2008 Mayer Brown Ltd were appointed under CSO 11.02 to conduct the contractor tendering process and project manage the Parkland Walk works.

Approval is being sought to continue this arrangement for a further final year.

## **8. Chief Financial Officer Comments**

8.1 This report requests that a contract of up to £20k is awarded to Mayer Brown Ltd to act as project manager for 2009/10. This will give stability to the project as Mayer Brown Ltd has project managed these improvements for the previous 2 financial years.

8.2 This is the second contract awarded to Mayer Brown Ltd under CSO 7.03 (Waiver of Contract Standing Orders) and as such must be presented to Procurement Committee for decision.

8.3 Transport for London has allocated £170k to this project. The project management costs of up to £20k will be funded from this source.

#### **9. Head of Legal Services Comments**

- 9.1 The Director of Adult, Culture and Community Services seeks a waiver of CSO 6.04 which provides that where a contract has an estimated value of more than £5000 but less than £25,000 quotations should be obtained or the tender procedure followed.
- 9.2 The waiver is requested on the basis of CSO 7.03 (d) i.e. that it is in the Council's overall interest.
- 9.3 The Director has informed Legal Services that two previous waivers have been sought in respect of these Services.
- 9.4 In accordance with CSO 7.05 where a waiver of Contract Standing Orders is sought for the second time in relation to the same contract, then regardless of the value of the contract that waiver may only be agreed by the Cabinet Procurement Committee
- 9.5 Provided the Cabinet Procurement Committee is satisfied that the contract should be procured without tendering for the reasons stated in paragraph 9.2 above, the Head of Legal Services sees no legal reasons preventing the Cabinet Procurement Committee approving the recommendations set out in Paragraph 4.
- 9.6 Should the Cabinet Procurement Committee approve the waiver, the Director of Adult, Culture and Community Services can award the contract under delegated powers in accordance with CSO 11.02

#### **10 Head of Procurement Comments –[ Required for Procurement Committee]**

- 10.1 The continued use of Mayer Brown Ltd in order to complete the third and final phase of this project is reasonable, cost effective and in the overall best interests of the Council.
- 10.2 It should be noted however that the Council's new approved list of Project Managers does not include Mayer Brown Ltd and this firm should therefore not be used once assignments in progress have been completed.

#### **11 Equalities &Community Cohesion Comments**

- 11.1 The improvements carried out to date have in the main benefited all local people. In particular, the improved access points and improved path enables

older people and those with limited mobility to better enjoy the Parkland Walk. Although the natural steepness of the majority of access points limits unassisted wheelchair access, in 2009/10 work is planned to provide two identified wheelchair access points.

## **12. Consultation**

- 12.1 Extended Statutory consultation for improvements to Parkland Walk South was undertaken in 2007 led by Transportation Planning and Mayer Brown Ltd. The positive results of the consultation led to project approval by Cllr Haley in November 2007.
- 12.2 A further round of similar consultation for proposed improvements to Parkland Walk North took place in March 2008. The positive results of this consultation led to project approval in June 2008.

## **13. Service Financial Comments**

- 13.1 The £20k cost is fully independent and funded out of TFL funding £170k and does not draw on funding from other projects.

## **14. Use of appendices /Tables and photographs**

- 14.1 Appendix A – Professional fee comparison  
**not for publication contains exempt information**

## **15. Local Government (Access to Information) Act 1985**

- 15.1 Consultation documents – see [www.haringey.gov.uk](http://www.haringey.gov.uk)
- 15.2 Appendix A – Professional Fees comparison  
**not for publication contains exempt information**

