

Haringey Council

Written Statement/Record of a decision made by an officer under delegated authority

Decision Maker (Post Title)	Head of Programme Management, Regeneration and Economic Development
Subject of the decision	Request to approve a Waiver and approve contract award under Contract Standing Order (CSO) 10.01.2(b) & (d)(ii)
Date of decision	14 December 2023
Decision	<p>For the Head of Programme Management, Regeneration and Economic Development to:</p> <ol style="list-style-type: none"> 1. Waive Contract Standing Order (CSO) 8.03 (requirement to obtain at least three competitive quotations) as allowed under CSO 10.01.2(d) 2. Approve the appointment of Etude Consulting Ltd to provide energy strategy advice. The contract value is £11,900.
Reasons for the decision	<p>The Down Lane Park Improvement Programme is a major capital scheme that has been developed through a co-design model for transformation of this urban park at the heart of the Tottenham Hale neighbourhood.</p> <p>During RIBA Stage 2-3 (concept and developed design) three quotes for energy strategy advice were sought from Etude, Qoda, and Max Fordham. Only Etude submitted a quote. Qoda and Max Fordham declined on the grounds of resourcing and programme. Etude were therefore instructed to provide energy strategy advice to the lead designer through RIBA Stages 2-3 for a fee of £10k.</p> <p>It is now necessary to commission energy strategy input to RIBA Stage 4 (detailed construction design). Etude have quoted £11,900 (Excl VAT). Given the time consuming and technical nature of constructing a detailed energy model using PHPP (Passivhaus Planning Package) software there is genuine value in maintaining continuity and avoiding the risk of having to repeat modelling work already completed. Delay to seek alternate quotes will impact design development, programme, and ultimately start on site, which will impact overall project delivery costs.</p> <p>The decision will enable the Council to enter into contract with Etude Consulting Ltd, for energy strategy consultancy support for the design team (Levitt Bernstein Associates Ltd).</p>

<p>Details of any alternative options considered and rejected by the officer when making the decision</p>	<p>The following options were considered:</p> <p>‘Do Nothing’ Not appointing an energy strategy consultant would preclude the potential for the Down Lane Park Community Hub building to attain Passivhaus accreditation thereby failing to meet council planning requirements advised by the Local Planning Authority. This would raise the risk that planning consent for the building may not be granted.</p> <p>Award contract to another energy strategy consultancy. This option was rejected because appointment of an alternate supplier at the current advanced stage of design development (RIBA Stage 4) would likely require revisiting the existing PHPP energy model or starting over, incurring time and cost. Delay to seek alternate quotes will impact design development, programme, and ultimately start on site, which will impact overall project costs.</p> <p>Approve contract award This option is recommended by officers, to appoint Etude Consulting Ltd to provide expert energy strategy consultancy advice as per their fee proposal (appendix 1).</p>
<p><u>Conflicts of interest – Executive decisions</u></p>	<p>N/A</p>
<p><u>Conflicts of interest – Non executive decisions</u></p>	<p>N/A</p>
<p>Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of the report is relevant to the above decision, that part</p>	<p>Appendix 1: Etude’s scope and fee proposal</p>
<p>Reasons for exemption with reference to categories of exemption specified overleaf, or</p> <p>Reason why decision is confidential (see overleaf)</p> <p>Note: decisions containing exempt or confidential information falling within the categories specified overleaf are not required to be published.</p>	<p>N/A</p>

Signature of Decision Maker	
Name of Decision Maker	David Lee, Head of Programme Management, Regeneration and Economic Development
Does the decision need to be published? Yes <input type="checkbox"/> y No <input type="checkbox"/>	

DECISION MAKING REPORT

NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

This report is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Report for: David Lee, Head of Programme Management, Regeneration and Economic Development

Title: Down Lane Park Community Hub building energy strategy advice.

Lead Officers: Owain Jones, Regeneration, Tottenham hale

Ward(s) affected: Tottenham Hale

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

- 1.1 Following requests for quotes from three suppliers, Etude Consulting Ltd were appointed to provide energy strategy advice to the council and design lead, Levitt Bernstein Associates, through RIBA Stages 2-3 in support of the design development of the Down Lane Park Community Hub building.
- 1.2 There is now a need to commission further energy strategy advice through RIBA Stage 4 (detailed construction design) to ensure the building designs and energy performance meet planning policy requirements stipulated by the Local Planning Authority. The quoted value of the supplementary energy strategy consultancy advice is £11,900.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 For the Head of Programme Management, Regeneration and Economic Development to approve a waiver and approve contract award under Contract Standing Order (CSO) 10.01.2(b) & (d)(ii) to appoint Etude Consulting Ltd to provide energy strategy advice to the Down Lane Park Improvement programme. The approval will enable the raising of a contract and a Purchase Order for £11,900.

4. Reasons for decision

- 4.1 The delivery of the project, and adherence to council planning policy requirements, requires the Down Lane Park Community Hub building to attain a level of energy performance (in this instance Passivhaus) that requires specialist consultancy design advice.

5. Alternative options considered

- 5.1 **Do Nothing.** Not appointing an energy strategy consultant would preclude the potential for the Down Lane Park Community Hub building to attain Passivhaus accreditation thereby failing to meet council planning requirements advised by the Local Planning Authority. This would raise the risk that planning consent for the building may not be granted.
- 5.2 **Award contract to another energy strategy consultancy.** This option was rejected because appointment of an alternate supplier at the current advanced stage (RIBA Stage 4) of design development would likely require revisiting the existing energy model or starting over, incurring time and cost. Delay to seek alternate quotes will impact design development, programme, and ultimately start on site, which will impact overall project costs.
- 5.3 **Approve contract award.** This option is recommended by officers, to appoint Etude Consulting Ltd to provide energy strategy consultancy advice as per their fee proposal (appendix 1).

6. Background information

- 6.1 Three quotes for energy strategy advice were sought at RIBA Stage 2 from Etude, Qoda, and Max Fordham. Only Etude submitted a quote. Qoda and Max Fordham declined on the grounds of resourcing and programme. Etude were therefore appointed to provide energy strategy advice to the lead designer through RIBA Stages 2-3 for a fee of £10k.
- 6.2 We now need energy strategy input during RIBA Stage 4 (detailed construction design), including updating the Passivhaus calculations, update to Part L2A model, thermal bridge calculations, over heating risk assessment, etc. Etude's quote for this work is £11,900.
- 6.3 Consideration was given to inviting Qoda and Max Fordham or others for quotes for advice through RIBA Stage 4. However, given the work undertaken to date, to switch suppliers at an advanced stage of construction design would likely require revisiting the existing PHPP energy strategy model or starting over, incurring time and cost. Further, delay to seek alternate quotes will impact design development, programme, and ultimately start on site, which will impact overall project costs.

7. Contribution to strategic outcomes

- 7.1 The Down Lane Park Improvement Programme (DLPIP) will support the Council in delivering the following Borough Plan priorities.

7.1.1 People – A Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential

- 7.1.1.1 The Down Lane Park Improvement Programme will support the People Priority by enabling capacity-building in the area's diverse voluntary and community organisations through the Community Design Group and the Park User and Community Forum – by making funding available for facilitating the co-design process and building capacity.

- 7.1.1.2 Working proactively with the area's voluntary and community organisations to ensure the voices of communities and residents inform the design for the landscape masterplan and

parks buildings, collaboratively working with the Community Design Group to engage with existing networks.

7.1.2 Place – A place with strong, resilient and connected communities, where people can lead active and healthy lives in an environment that is safe, clean and green.

7.1.2.1 The DLPIP will support the Place Priority by supporting enhancing and improving residents access to nature and open space.

7.1.2.2 Safeguarding and strengthening the biodiversity within the park.

7.1.2.3 Creating an attractive and well-maintained public realm that provide accessible, quality spaces for people to come together, especially for young people and children.

7.1.2.4 Improving community confidence and reducing the fear of crime by building capacity within the (recently constituted) Park User and Community Forum to address concerns within the community.

8. Statutory Officers comments

N/A

Finance

The total cost of this proposal will be fully met from the Capital budget Scheme Reference 401- Internal Order: 10004560

Procurement

N/A as value is below £160k.

SSC

The SSC notes the request for a waiver of Contract Standing Orders (CSO) as allowed under CSO clause 10.01.2. The SSC has no objection to the recommendations outlined at section 3 of this report in accordance with CSO clause 10.01.2dii on this occasion. Will West Compliance Officer, on behalf of Lesley Francis, Q & A Manager/ Compliance Manager
14/12/2023

Legal

N/A

Equality

N/A

9. Use of Appendices

Appendix 1: Etude Consulting Ltd's Scope and Fee proposal

Categories of Exemption

Exempt information means information falling within the following categories:

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed upon a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

Qualifications to the above exempt information:

(a) Information falling within paragraph 3 above is not exempt information under that paragraph if it is required under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) The Friendly Societies Act 1992 (d) The Industrial and Provident Societies Acts 1965 – 1978 (e) the Building Societies Act 1986 (f) The Charities Act 1993.

(b) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(c) Information which – (i) falls within any of paragraphs 1-7 above; and (ii) is not prevented from being exempt under (a) or (b) above is exempt information if and so long as, in the opinion of the Monitoring Officer, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.