

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

Decision Maker (Post Title)	Assistant Director of Regeneration and Economic Development
Subject of the decision	Request to approve a waiver and appoint We Made That to undertake designs to RIBA Stages 3-6 for the Turnpike Lane Improvement Plan
Date of decision	20 December 2023
Decision	For the Assistant Director of Regeneration and Economic Development to approve the waiver of Contract Standing Order 8.03 and the award of the contract to We Made That in the sum of £120,005.63 for the design of building frontages and public realm interventions in accordance with Contract Standing Order 10.01.1(b).
Reasons for the decision	<p>The Turnpike Lane Improvement Plan project was paused for the second time in July 2022. When restarting the project, a refreshed cost plan revealed that the estimated construction cost had increased due to:</p> <ul style="list-style-type: none"> • high inflation rates, • material costs, • increase in the scope of works and more accurate specifications, <p>The higher construction cost and increase in project scope due to changes to the delivery plan impacted the professional fees of We Made That which increased to £120,005.63 to undertake RIBA Stages 3-6. Due to the repeated pauses of the project and the validation period of the previous contract expiring, it has become necessary to form a new contract. The waiver has been proposed as an appropriate way forward due to the time critical nature of the project and to rationalise the past alterations to the original contract into a single process.</p> <p>Turnpike Lane Improvement Plans is a time critical project and the scheme would generate significant benefits to local businesses and residents. We Made That have a good understanding of the project having worked on the scheme from RIBA Stage 1 to mid RIBA Stage 3. They have also built a good relationship with the local community and stakeholders through site visits, workshops and public exhibitions. A new design team would need to</p>

	<p>familiarise themselves both with the and local stakeholders and this could encore the risk further delaying the project.</p> <p>The Council has reviewed the daily fee rates provided by We Made That and are satisfied they represent value for money. Refer to point 4.3 for a detailed daily rate comparison with other architectural practices.</p> <p>A waiver of tendering is being sought on the basis that it is considered to be within the Council’s overall interest under Contract Standing Order 10.02.1(a).</p>
<p>Details of any alternative options considered and rejected by the officer when making the decision</p>	<p>Given that part of the commission has already been carried out by We Made That, it is unlikely that a new team would be able to deliver the work without incurring additional and unnecessary fees and delays. The new team would need to familiarise themselves with the design work which has already been carried out. We Made That also have a good knowledge of Turnpike Lane stakeholders and local groups that they have built during the development of RIBA Stages 1-3. A new designer would need to rebuild a good relationships and trust with local groups, and this could further delay the progress of the project.</p> <p>The council also considered the option of not appointing We Made That. However, the risk associated with doing nothing is that the project may not be delivered.</p>
<p><u>Conflicts of interest – Executive decisions</u></p> <p>Details of any conflict of interest declared by a Cabinet Member who is consulted by the officer which relates to the decision and details of dispensation granted by the Council’s Head of Paid Service</p>	<p>None</p>
<p><u>Conflicts of interest – Non-executive decisions</u></p> <p>Where the decision is taken under an express delegation e.g. by a Committee, the name of any Member who declared a conflict of interest in relation to this matter at the committee meeting,</p>	<p>None</p>
<p>Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of</p>	<p>Decision Making Report attached</p>

<p>the report is relevant to the above decision, that part)</p> <p>These documents need to be attached to the copy of this record/statement kept by the Authority but must not be published if they contain exempt information</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>Decisions containing exempt or confidential information falling within the categories specified overleaf are not required to be published.</p>	None
Signature of Decision Maker	<i>A. Blandford</i>
Name of Decision Maker	Anna Blandford
<p>Does the decision need to be published</p> <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	

Exempt Information

Local Government Act 1972 Schedule 12A

Part 1: Descriptions of Exempt Information

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 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 office 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 on 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.

Note:

It is insufficient to simply identify a category of exemption, you must also conduct a public interest test on the basis specified in the Act as follows:

Information falling within categories 1-7 is exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Confidential Decisions

1. The decision contains information provided by a government department on a non-disclosure basis.
2. There is a Court order against disclosure.

Not for Publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

This document 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 the information).

DECISION MAKING REPORT

Report for: Delegated decision by the Assistant Director of Regeneration and Economic Development

Item number: N/A

Title: Turnpike Lane Improvement Plan: Request for Waiver of Contract Standing Order 10.02.1(b); Contract Award to We Made That to deliver Turnpike Lane Improvement Plan RIBA Stages 3-6.

Report authorised by: Pippa Gueterbock, Head of Area Regeneration – Wood Green

Lead Officer: Antonio Rea – Regeneration Officer

Ward(s) affected: Noel Park, Harringay

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

1. Describe the issue under consideration

- 1.1. After a competitive tender process, at the beginning of 2020, London Borough of Haringey selected We Made That LLP to deliver a series of shopfront improvements and public Realm Interventions at Turnpike from RIBA Stage 1 to RIBA Stage 7.
- 1.2. As described in more detail in the section 6 Background information, due to lack of funding, We Made That were originally appointed in March 2020 to develop only RIBA Stages 1-2 that were completed in December 2020.

- 1.3. Following the approval of SCIL funding, the appointment of We Made That was extended to carry out the design and delivery of the project from RIBA Stage 3 to RIBA Stage 7 as per their original tender proposals.
- 1.4. We Made That carried out part of the RIBA Stage 3 scope of work, but the project was paused during the 2021. As result of the pause, the professional fee increased, and a new contract variation was signed in February 2022 for We Made That to continue working on the project.
- 1.5. The Council experienced another project pause in November 2022 which generated a further increase of the consultant's team professional fees due to high inflation rates, increased cost of materials, further remobilisation costs and a revised project scope.
- 1.6. More than two years have passed since the sign-off of the original contract and the validity period of the contract has expired. A waiver is required as the delivery of the project has become urgent. We Made That have already delivered part of the commission and it is unlikely that a new team will be able to carry out the works without generating additional and unnecessary fees. A new design team would need to familiarise themselves with the project, build a good relationship with residents and local stakeholders and this would take time. We Made That, who started working on the scheme in March 2020, have a very good understanding of the project and its requirements, and they are best placed to deliver the project in the most efficient way. It is therefore in the interest of the Council to continue working with them to avoid other delays and further disruptions to the project. The waiver will also approve the latest fee proposals and project scope agreed with We Made That in October 2023. The waiver is also necessary in order to rationalise the past changes to the original procurement into a single process.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the Assistant Director of Regeneration and Economic Development approves:

- 3.1. The waiver of Contract Standing Order 8.03 and the award of the contract to We Made That in the sum of £120,005.63 for the design of building frontages and public realm interventions in accordance with Contract Standing Order 10.01.1(b).

4. Reasons for decision

- 4.1. Following the second project pause, the Council undertook a cost review to check if the project scope agreed in March 2021 was still within the budget. Due to due to high inflation rates, material costs, limitations in the Stage 2 Cost Plan, increase in the scope of works and more accurate specifications, the construction cost increased impacting We Made That professional fees. The project pause has also generated additional restart and re-mobilisation costs that contributed to the increased design team fees received in October 2023. The pause has resulted in a revised fee of £120,005.63 to complete RIBA Stage 3, progress the technical design and deliver the project. Due to the repeated pauses of the project and with no signed contract in place, it has been extremely difficult to vary the contract and it has become necessary

to form a new contract. However, a waiver will be required on this occasion due to the urgency of the requirement.

4.2. The Turnpike Lane Improvement Plan is a time critical project and the scheme would generate significant benefits to local businesses and residents such as visual improvements of the street, a better trading environment, more greenery and a safer pedestrian experience. The council is aiming to deliver the project in Autumn/Winter next year and as the consultant team have been performing to satisfactory standard, we do not want to take the risk to reprocur another project team and further delay the delivery of the project. The council officers, cabinet members and Turnpike Lane stakeholder groups have been working closely to deliver this project and further delays may compromise the good relationships that the regent team have built with members and local stakeholders.

4.3. We have also reviewed the daily rates provided by We Made That and they are in line with the industry standards (see table below which includes a comparison between We Made That daily rates and other architectural firms that have carried out works for the Regen Team). Therefore, considering the design expertise and project knowledge the We Made That have developed working on the project since March 2020, we believe that their revised fee proposal provides a good value for money.

	We Made That	*Architectural Firm 1	*Architectural Firm 2	*Architectural Firm 3
Director	£800	£ 1,008		£720
Associate	£585	£ 648	£840	£600
Architect	£500	£ 440	£420	£540
Architectural Assistant	£375	£ 368	£350	£360

**daily rate provided by the architectural firm in 2021*

4.4. The waiver is required to deliver the following additional outputs:

4.4.1. Completion of selected projects identified via initial engagement from RIBA Stages 3-6. Additional design work for the Public Realm interventions is required, due to the realignment of scope.

4.4.2. RIBA Stages 3-6 design work for an additional signalised street crossing point, an outcome supported by both engagement and Highways.

4.4.3. Contract Administrator role for the for the construction works of the shopfront improvements during RIBA Stage 5.

4.5. A waiver of tendering is being sought on the basis that it is considered to be within the Council's overall interest under Contract Standing Order 10.01.1(b).

5. Alternative options considered

5.1. Given that part of the commission has already been carried out by We Made That, it is unlikely that a new team would be able to deliver the work without incurring additional and unnecessary fees. The new team would need to familiarise themselves with the design work which has already been carried out. We Made That also have a good knowledge of Turnpike Lane stakeholders and local groups that they have built during

the development of RIBA Stages 1-3. A new designer would need to rebuild a good relationships and trust with local groups, and this could further delay the progress of the project.

- 5.2. The council also considered the option of not appointing We Made That. However, the risk associated with doing nothing is that the project may not be completed as the consultant team could walk away from the project as they would be making a loss. The council has been aiming to remobilise the design team after the pause, and an additional pause of the project may damage the council's reputation with a number of local stakeholders and residents.

6. Background information

- 6.1. London Borough of Haringey appointed We Made That LLP to deliver a series of Public Realm Interventions emerging from stakeholder engagement. The project is rooted in a public and stakeholder engagement programme which has helped shape the brief for the project and provide meaningful participation in the delivery of the scheme. The improvements to Turnpike Lane are funded by SCIL and capital budgets.
- 6.2. In 2020, We Made That competitively tended for the Turnpike Lane Improvement Plan project and their proposal included the design and delivery of the project from RIBA Stage 1 to RIBA Stage 7. Following a successful tender process, We Made That were initially appointed to develop a bank of projects for Turnpike Lane from RIBA Stage 1 to RIBA Stage 2 only. This was due to a lack funding. The initial contract for £40,000 to deliver RIBA Stage 1+2 was signed on 16th March 2020, and completed in December 2020.
- 6.3. Once SCIL funding were secured, the appointment of We Made That was extended to include the development of the project from the RIBA Stage 3 to RIBA Stage 7 as per their original tender proposals. The second stage to deliver RIBA Stage 3-7 was signed on 8th March 2021 for a further £106,800.
- 6.4. The project was paused during 2021 and restarted in February 2022. The pause resulted in a fee revision and contract variation with a revised contract value of £182,348.
- 6.5. The project was paused again in November 2022 to allow for improved governance arrangements and greater input from external stakeholders. Since March 2022, the council has been aiming to remobilise the design team after the 16-month pause, and work through obstacles to enable the project to be fully up-and-running again. This has included a cost review to check if the project scope agreed in March 2021 was still within the budget. The cost plan revealed that the costs for the original scope have increased due to high inflation rates, material costs, limitations in the Stage 2 Cost Plan, increase in the scope of works and more accurate specifications. Therefore, the council and We Made That developed a revised project scope to reduce the overall project cost. The revised project scope was agreed in June 2023 and presented to local stakeholders and residents at a public exhibition in July 2023. The revised scope (including the development of additional design options) and the increased construction value both contributed to the increase of the design team professional fees received in October 2023.

- 6.6. During the last nine months, the Wood Green regen team has closely worked with a variety of internal and external stakeholders to restart the projects. Members, local traders and the community have been engaged to develop the shopfront improvements and public realm interventions. The community is keen to see changes in Turnpike Lane and a significant delay in the delivery of the project would be considered detrimental to the Council's reputation.
- 6.7. The Council also requested We Made That to undertake the Contract Administrator role for the construction works of the shopfront improvements. This service was not included in the original scope of services prepared by We Made That in March 2021 and it is therefore generating an additional cost to the architect's original fee.
- 6.8. Inflation rates have increased across the construction sector and have affected design professional fees over the course of 2022 and 2023. This has had an impact on the revised professional fee received in October 2023.
- 6.9. The pause has resulted in a revised fee of £120,005.63 to complete RIBA Stage 3, progress the technical design and deliver the project.
- 6.10. The council has spent £93,001.67 to date to develop RIBA Stages 1 to 3 and after a 16-month pause, this report is seeking approval to waiving off the competition (CSO 8.03) to allow We Made That continuity of services in the interest of the council.
- 6.11. The core aims of the project are to deliver a clear design vision and improvement plan for the development of Turnpike Lane in partnership with local stakeholders. Following a cost review undertaken in April 2023, the council and We Made That agreed a revised project scope that was presented to the public in July 2023. The revised project scope was widely supported by the local community and stakeholders.

7. Contribution to strategic outcomes

- 7.1. The project contributes directly to corporate priorities Place, People and Economy. Within the scope of this project, it is expected to investigate opportunities to:
- Enhance the existing distinctive character of the area
 - Promote a safer environment designing out anti-social behaviour and crime
 - Maximise the use of the public realm
 - Increase urban greening and art interventions
 - Improve and enhance shop frontages and
 - Promote and facilitate access to sustainable modes of transport which could potentially include addition of cycling infrastructure.
 - Through these aims we expect to support the physical, economic, and social development of Turnpike Lane within the Borough.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Head of Legal and Governance, Equalities)

- 8.1. Finance

There is sufficient funding within the current council's capital programme plan, under capital scheme reference number: 459 – Wood Green Regen Sites to meet the full cost associated with the recommendation of this report.

8.2. Procurement

Strategic Procurement (SP) note that this report relates to the approval of an award to We Made That to undertake Design Services for the Turnpike Lane Improvement plan.

We Made That was initially appointed in March 2020 through a quote process to deliver this service however the project was put on hold on two separate occasions within the last 2 years due to internal and external reasons.

The scope of service has expanded since initial appointment.

SP note that multiple variations were made to increase the project scope within the last two years with no signed contract.

SP will find it extremely difficult to support further variations of a contract that has not been signed and inactive for some period now.

In line with CSO 10.01.2 (d) (ii) SP recommends re appointing We Made That to complete the remaining design work at a cost of 120,005.03 under a new contract by waiving off CSO 8.03.

Price benchmarking has been conducted to ensure the rates received from the supplier is competitive and shows value for money.

SP recommends that the Authority and the supplier sign a contract.

SP support the recommendation to approve the award in accordance with CSO 10.01.1(b)

8.3. Legal

8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in drafting this report.

8.3.2 Pursuant to CSO 10.01.1(b), CSO 10.01.2(d)(ii), CSO 9.07.1(c) and the Scheme of Delegation the Assistant Director of Regeneration and Economic Development

8.4. Equality

N/A

9. Use of Appendices

None

10. Local Government (Access to Information) Act 1985