

Agenda Item

Executive Board

7 October 2009

CP



Report of Exemption to Contract Standing Orders for the Maer environmental play trail scheme

Summary

To inform Executive Board about the request to appoint Andy Frost Designs Ltd to deliver the Maer environmental play trail scheme which has received £72,800 of S106 funds from developments within the Littleham area. The S106 Monitoring Officer drew up a Project Brief and specification for the scheme and issued the Invitation to Tender process in July 2009 which went out to five specialist environmental play trail designers. The Countryside Manager has subsequently taken on responsibility for project managing the scheme. The tendering process only yielded one submission from Andy Frost Designs Ltd however their submission was incomplete due to some issues over clarity on the project brief. The advice from Internal Audit and Legal Services has been that the tender process has been correctly adhered to and that if a satisfactory reason for the incomplete submission could be established, then with the approval of Executive Board through the Exemption to Standing Orders process the District Council is able to appoint Andy Frost Designs Ltd. The reason for incomplete information within the submission was the very open and un-prescriptive nature of the Project Brief so making it hard to provide specific detailed information.

Recommendation

That the Executive Board approve the appointment of Andy Frost Designs Ltd to deliver the Maer environmental play trail scheme as an emergency under Section 1.13 of the Council's Contract Standing Orders for the purposes laid out in this report.

a) Reasons for Recommendation

The play trail scheme has an allocated amount of funds that requires committing before November 2009 otherwise it will be lost and therefore the urgency to appoint a Design Consultancy is critical to ensure that this does not occur. There is no time to re-tender the scheme and both Legal Services and Internal Audit have confirmed that Andy Frost Designs Ltd can be appointed as they have now fulfilled the requirements of the tender process with the provision of the missing information.

b) Alternative Options

There are no alternatives if the S106 funds are to be committed by November 2009.

c) Risk Considerations

The decision not to appoint will mean the desired scheme will not be able to be delivered and therefore the risk of losing half the funds available to provide play trail equipment.

d) Policy and Budgetary Considerations

The S106 Monitoring Officer has reported the scheme proposal to Ward Members in March 2009 and gained approval from both Town and District Councillors.

e) Date for Review of Decision

Full project completion is due March 2012, partial completion November 2009.

1 Main Body of the Report

The approach to the Maer environmental play trail is a relatively untried one as the Project Brief has remained open in terms of project requirements and specification, the reason being that its design and ultimate delivery could be informed as much as possible by public participation and consultation. Participative budgeting is the mechanism for delivering the scheme so enabling the local community to have a significant input into its development and design. The company appointed therefore will have to design and deliver the pieces of play equipment drawing on local residents most popular suggestions identified through on site open days.

There are specific constraints around the timescale for the delivery of the scheme, the S106 funds associated with the legal agreement tied to the Cyprus Road site, Exmouth mean that half the project capital funds need committing by November 2009. There is however much more flexibility with the rest of the project budget.

The creation of an environmental play trail scheme on the Maer site means that along with the Local Nature Reserve and picnic area there is a fantastic amenity area for local residents and the community of Exmouth. The intention is to use the play trail equipment to interpret the wildlife on the Maer LNR to help reinforce the importance of the site's nature conservation value. There will be low key interpretative panels that will explain the wildlife that has been designed so forming part of a wider educational message for the users of the site.

There has already been one consultation exercise on the site to help identify those wildlife species that local people feel should be interpreted as play trail equipment. There will be further consultations, once the Design Company has been appointed, to provide local residents drawings and concepts for how this equipment could look. This has been agreed to ensure that there is local community participation in this scheme from start to finish.

Legal Implications

This Contract has been properly tendered under Standing Orders and Financial Regulations as supported by Legal Services throughout. If the project is to be delivered then there is no alternative other than the recommended course of action. EU Procurement Regulations do not apply in so far as the Contract price is below the threshold.

Financial Implications

The financial implications are included in the report.

Consultation on Reports to the Executive

N/A

Background Papers

- Request for Exemption to Contract Standing Orders form
- Request to release S106 monies Exmouth Maer form

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Countryside Manager

