

DECISION NO:	<i>For Member Services use only</i>
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Concurrence No:	066435
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Action under delegated authority of Chief Executive	
Action under delegated authority of Director of Finance and Cabinet Member for Finance	X
Action taken by Chief Executive in consultation with Cabinet Member(s)	

Subject: Exception to Standing Orders in relation to BTC at Maxwells Farm

Signature and designation of officer(s) taking action:

	15/02/2021		15/01/2021
Chief Executive	Date	Director of Finance	Date
			14/01/21
		Head of Finance	Date

Name of Cabinet Member(s) Consulted:

I have been consulted and concur with the proposals set out below:

Councillor Paul Mason		21/01/2021	
Cabinet Member for Finance and Business Services	Signature:		Date:
Councillor			
Cabinet Member for	Signature:		Date:

Name of any member who has declared a conflict of interest in relation to this decision: _____

THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.

Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website. Officer decisions are kept for a period of six years at the Borough Offices and for six months on the website after the decision is made. Background papers are available for four years.

RECOMMENDED that:

Approval is given for an exception to the Contract Standing Orders to allow RPS, The Landscape Partnership and ARC to be engaged to provide design services in respect of the proposed Business Park and Technology Centre at Maxwells.

Purpose

To request an exception to contract standing orders to allow the appointment of RPS Planning Services, The Landscape Partnership and ARC Developments to provide professional design services to the Council in respect of the proposed Maxwells Development in Cheshunt in order to meet with the deadlines in respect of grant funding to be provided by the Hertfordshire LEP in line with the Government's funding regime.

The Project

The Council is proposing to construct a business start-up centre, to be known as a Business and Technology Centre (BTC) on a parcel of land at Maxwells Farm, Cheshunt.

The Council has been granted LEP funding of £5 million, to assist in the design and build costs of the BTC. It is estimated that the total cost of the project will be in the region of £8.75 million of which the estimate for fees is £1.05 million. The LEP funding will be time limited, with a requirement for the majority of it to be spent by March 2022 and at least £372,000 by March 2021. The terms of the s106 arrangements, also include £250k for project management fees and £2 million towards the construction and other costs. However, it should be noted that the s106 monies have not yet been received by the Council but can be drawn down when required under the s106 arrangements.

The Council has a tight time line to achieve detailed planning, procurement and the actual development on the site. The process needs to start immediately and the overall project needs to be closely controlled in order to ensure the project meets these deadlines and remains within budget.

The Council now needs to engage a full range of design consultants to progress the required reserved matters planning application and the procurement process for the final build contract and also to progress the project to meet the deadlines imposed by the LEP process.

Proposal

The Council has already procured Project Managers and Cost Consultants on the project to help guide the process and the appointment of principal designers, civil and structural engineers and mechanical and electrical services have been procured via the NHS framework in an open competition.

The other disciplines required at this moment for the process are masterplanning, landscaping and planning services. These three disciplines are tied into the overall site wide planning application and section 106 requirements and there is a requirement

for collaboration with the other major site users to ensure that the overall development is managed in a comprehensive way.

In order to ensure that all the complex and interrelated requirements for the project and the wider site are met it is in the Council's best interests to engage specialists who have been involved with these aspects throughout the initial planning process over the last three to four years.

To ensure that the Council is obtaining best value from these contracts the Council's Project Managers (Gardiner & Theobald) have been carrying out the negotiation of duties and fee levels and, where possible and appropriate, have tied these back in to the services required based on the NHS Framework used for the other consultants.

Attached as an appendix are the findings and recommendations of Gardiner & Theobald in this respect.

All three consultants, RPS, ARC and The Landscape Partnership, have detailed knowledge of the requirements of the planning permission and s106 agreement and are also retained by STX A10 in respect of their landholdings and so will be able to ensure that a comprehensive approach is maintained site wide and that the Council's best interests as landowners are maintained and enhanced.

Financial, Legal and Risk Management Implications

The cost of the services to be provided will be refundable as part of the LEP grant and loan arrangements. The loan and grant are for £5 million with the Council match funding from its own capital reserves and also by land value. The Council's capital contribution is therefore circa £1.75 million to the project including the fees.

The fees proposed by each service is as follows:

RPS (Planning) £17,500
The Landscape Partnership (Landscape): £9,241
ARC (masterplanning) £20,625.

Total £47,366

The current fees across the whole project are budgeted at £469,991 to the procurement stage for the build contract.

Alternative Options Considered and Rejected

Proceed with a tender process that will be time consuming, cause delays and risk not using the funds by March 2021 deadline. Different consultants are likely to be more expensive and will not have such in-depth knowledge of the local area and local businesses.

Contribution to the Council's Objectives and Environmental Sustainability Objectives

- Support thriving town centres and businesses.

Conclusion

Approval to be given for an exception to Contract Standing Orders the engagement of RPS, the Landscape Partnership and ARC for the BTC project at Maxwells.

Contact Officer: Kevin Clark

Ext:5541

Date 3
December
2020

Action reported to the Cabinet on:

Appendix A



Kevin Clark
Head of Property Services
Broxbourne Borough Council
Bishops' College
Churchgate
Cheshunt EN8 9XQ

Our Ref: 38865
24 November 2020

Dear Kevin

Procurement of Single Tender Action roles for BTC plot Maxwell's Business Park West

Our procurement advice to you for professional services recommended that the Business & Technology Centre ("BTC") would require the following roles;

- Masterplanning Architect
- Planning Consultant
- Landscape Architect
- Ecologist
- Architect
- Civil & Structural Engineer
- Building Services Engineer

In this letter, I set out the means by which these roles have been procured.

Under the S106 Agreement for the Maxwells West site, a 5.7a parcel of land is to be transferred to the Borough of Broxbourne Council ("BoB"). The Outline Consent parameter plans indicated a pair of buildings and set parameters of area and height. The Outline Consent required a number of documents to be submitted with the first Reserved Matters Application, including a phasing plan, surface water drainage and habitat creation.

Masterplanning Architect

The above RMA tasks have been developed by the professional team appointed by the site developers, STX. The phasing plan did not need to indicate any detail of the phases. The surface water drainage was based upon the areas of building and hardstanding set in the consented drawings. However the habitat creation condition needed to be based on a landscape scheme that was itself guided by a particular arrangement of buildings. Whilst STX were content to fund the development of the habitat creation scheme (as the land is currently under their control), with the BTC brief having emerged, BoB needed to arrange this building on their plot and hence also position buildings and hardstanding elsewhere on the plot. For this a Masterplanning Architect is required before there was the ability to appoint an Architect for the BTC who could undertake the work. A first draft of BoB's sub-phasing plan has been required from Arc to illustrate BoB's commitment to landscaping. The

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need for a masterplanning architect remains to continue to develop the masterplan for the remaining consented area on BoB's plot, without this being a distraction to the BTC design team.

For the masterplanning role to be carried out swiftly and accurately, knowledge of the site and of the Outline consent is essential, hence G&T recommended that Arc-MC be approached to provide a quotation.

G&T has defined the scope of service, Arc-MC had submitted a fee, which G&T has negotiated downwards with Arc-MC. The fee is confirmed as £20,625. This amounts to 0.29% of the build cost. The hourly rates have been confirmed. Both the percentage fee and the hourly rates are good value for the specialist knowledge and availability of Arc-MC.

Planning Consultant

The aforementioned RMA tasks have been developed by the professional team appointed by the site developers, STX. The phasing plan did not need to indicate any detail of the phases. The surface water drainage was based upon the areas of building and hardstanding set in the consented drawings. The habitat creation condition has been based on a landscape scheme that was itself guided by a particular arrangement of buildings. STX's planning consultant, RPS, has led their Reserved Matters Application and submission of pre-commencement conditions that will allow construction of the Infrastructure Works to commence. RPS has been the Planning Consultant throughout the process of preparing and obtaining the outline consent. Their advice is respected by the planning department and they have extensive knowledge of the components of the consent and the discussions and documents that lie behind it.

For BTC to proceed to the programme set by the LEP application, the BTC design team will need to swiftly get up to speed on what will be necessary for BTC's RMA & conditions, which RPS alone would be able to do. Therefore G&T recommended that RPS submit a fee proposal. G&T has provided the essential brief for the role and RPS has submitted a detailed proposal. It is not possible for all of this fee to be fixed, as the degree to which the design will iterate and to which the planning department will interrogate the submissions is unknown. However, RPS will fix approximately one-third of the fee once the initial stages of work have been undertaken. The budget fee of £17,500 amounts to 0.25% of the build cost. This percentage fee represents good value for the extensive specific knowledge of RPS.

Landscape Architect and Ecologist

The habitat creation RMA tasks have been developed by The Landscape Partnership ("TLP") as part of STX's professional team. STX has funded this as the condition relating to habitat creation is a site-wide condition and hence STX needed to discharge it for the spine road construction to commence. The submitted scheme was prepared by TLP based upon the Masterplan and sub-phasing plans prepared by Arc-MC.

Habitat creation, and the landscape design that underpins it, are vital parts of the Outline Consent. Understanding the means by which the illustrative landscape masterplan in the outline application has been prepared is important.

Understanding the means of Biodiversity Net Gain calculation and the negotiation of this method with the planning authority and their advisers is also crucial for when the plot specific scheme for BTC comes forward, as this will allow a swifter and more confident submission of material, thus keeping to the tight programme dictated by the LEP grant. Having both landscape and ecology consultancy in one practice (which TLP offer and not that many other landscape designers do) allows for a swifter completion of design. Therefore, G&T recommended that TLP be approached to provide a quotation.

G&T has prepared the scope of service and TLP had submitted a fee, which G&T has negotiated TLP to include the necessary design role to production of ERs and monitoring of quality of final design and delivery. The fee is confirmed as £9,421. This amounts to 0.13% of the build cost. The hourly rates have been confirmed. Both the percentage fee and the hourly rates are good value for the specialist knowledge and availability of TLP.

Architect, Civil & Structural and Building Services Engineers

As the site enjoys an Outline Consent, there is no specific building design within the consent that BoB's plot will be developed. BoB's brief for BTC is relatively straightforward, requiring no particular detailed understanding of the site context. It is capable of being delivered by many companies. Therefore to ensure value for money it is necessary for the roles to be competitively tendered.

G&T has recommended the use of an established framework of design consultants, to reduce the time required to arrive at a tender list (prequalification having been addressed by the framework itself). Furthermore, to ensure the widest range of tenders that the market wished to deliver for this relatively straightforward brief, the Expression of Interest stage was not tightly drawn and at least 8 bids were received for each role.

The outcome of the selection and award process is not the subject of this letter, but the means of procurement is referenced to demonstrate BoB's approach to maintaining good value procurement taking into account the particular requirements of the project.

Yours sincerely



Michael Poulard
Partner
for Gardiner & Theobald LLP