

DECISION NO:

For Member Services use only

Concurrence No: 066465

Action under delegated authority of Chief Executive	X
Action under delegated authority of Director of Finance and Cabinet Member for Finance	
Action taken by Chief Executive in consultation with Cabinet Member(s)	

Subject: Exception to Contract Standing Orders - Brookfield Garden Village

Signature and designation of officer(s) taking action:

<u>13/08/2021</u> Chief Executive Date	<u>12/08/2021</u> Director of Finance Date
	<u>11/08/21</u> Head of Finance Date

Name of Cabinet Member(s) Consulted:

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

Councillor
Cabinet Member for

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 Contract Standing Orders to allow the joint appointment, together with Hertfordshire County Council, of Tetra Tech to prepare and submit a planning application on behalf of both councils.

Purpose

To seek agreement for an exception to contract standing orders allowing Tetra Tech plc (formally WYG) to continue work on the planning application in respect of Brookfield Garden Village as a joint appointment with Hertfordshire County Council.

Background

The Council and Hertfordshire County Council previously ran an open tender competition which resulted in the joint appointment of White Young Green (WYG) as a masterplanner and planning consultant for the development of Brookfield Garden Village (BGV). The site is jointly owned by the Council and HCC on a 50/50 basis.

The councils now wish to submit a formal planning application for BGV to be submitted concurrently with the application for the proposed new town centre at Brookfield Riverside (BR) and consequent changes to Cheshunt Park Golf Course.

Both BGV and BR will be incorporating the required infrastructure for the overall Brookfield development and there will also be benefits of jointly approaching environmental, sustainability and other targets with the proposals coming forward at BR.

WYG have recently been acquired and are now rebranded as Tetra Tech (TT) but retaining all the previous staff who have worked on this project for a number of years.

TT are providing considerable input to the highways and other transport modelling required for both BR and BGV and have to date also developed the masterplan and carried out required ecological and other studies pertaining to BGV and have a good working relationship with the planners, architects and other professionals engaged on BR.

HCC, working with the Council, has requested TT, via the Crown Commercial Services framework (CCS), to provide a comprehensive fee structure for completing the planning application and this has now been submitted to both Councils for approval.

TT response is provided as a confidential addendum to this concurrence.

HCC have been responsible for the monitoring and quality assessment of the bid with this Council providing input where relevant.

The fee is to be shared 50/50 by both Councils and the experience and background knowledge held by TT is considered to be beneficial for all parties involved in Brookfield for them to be appointed via Single Tender Action (STA) from the CCS framework, following the call off procedures pertaining to the framework.

Financial, Legal and Risk Management Implications

The tendered fee by TT amounts to £480,900 and covers the full range of services required to enable the Council and HCC to submit a joint planning application to enable not only BGV to proceed but also to comply with both Councils obligations under the BR

Development Agreement to provide vacant possession of the Councils owned land at Brookfield by enabling relocations of services to BGV.

TT has also asked the councils to set aside provisional sums as follows:

Planning application fee £150,000 (a payment to Broxbourne Borough Council)
Additional ecological studies £100,000 (required if existing ones carried out are now found to be out of date).

A holding fee to UK Power Networks of circa £500,000 to reserve the power necessary for BGV

Fees to other third parties at £30,000

Therefore the total cost to the Council to continue with the planning application could amount to 50% of £1,260,000 amounting to £630,000.

The current capital budgets for Brookfield for this year stands at £884,984 (with £400,000 of that for infrastructure so meeting the UKPN costs of £250,000.) Meeting the full cost of these commitments is therefore achievable from the existing budget.

Alternative Options Considered and Rejected

To go to a full tender might not result in a lower fee due to the inherent knowledge of TT of the overall Brookfield project and the detailed knowledge of BGV. There would also be a substantial time and resource cost to both councils if a full tender exercise were to be undertaken. The process has been approved by the procurement team at HCC acting on behalf of both councils.

Contribution to the Council's Objectives and Environmental Sustainability Priorities

The commencement of the Brookfield project is a key corporate priority and objective and the appointment of Tetra Tech will facilitate this objective.

Conclusion

That, in conjunction with HCC, a STA via the CCS framework to engage Tetra Tech Ltd to draw up and submit a planning application of behalf of both councils is in the best interests of both councils in achieving a cost and time efficient outcome. Therefore, it is recommended that an exception to contract standing orders be approved

Contact Officer:

Kevin Clark

Ext:5541

Date 10
August 2021

Action reported to the Cabinet on:

Attached
Quote for Tetra Tech.