

Decision Maker: EXECUTIVE

Date: RRH PDS Monday 23rd February 2023
Executive Wednesday 8 February 2023

Decision Type: Urgent Executive Key

Title: PROCUREMENT OF CONSULTANCY SERVICES FOR THE
CRYSTAL PALACE PARK REGENERATION PLAN

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Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: Crystal Palace & Anerley;

1. Reason for decision/report and options

This report provides Members with an update on the delivery of the Crystal Palace Park Regeneration Plan, including the recommendation to procure consultancy services for the capital schemes. The report is marked as Urgent as the project will be utilising grant funding which has timescales attached for delivery. Call in will therefore not apply.

2. **RECOMMENDATION(S)**

That Members of the RRH PDS: -

2.1 Note the contents of this report and make any comments available to the Executive.

That Members of the Executive: -

2.2 Note the contents of this report, namely information regarding the procurement of the multi-disciplinary consultancy services for the next stages of the Regeneration Plan at Crystal Palace Park.

2.3 Approve the procurement of the multi-disciplinary consultancy services to replace AECOM noting that the Regeneration Plan is already on the Capital Programme, with funding secured for the works required under the shadow s106 agreement.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The park is visited by 1.4m visitors per annum. The majority of these visitors are from the communities that surround the park, some of which are within the 10% most deprived in the UK.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority (delete as appropriate):
 - (1) For children and young People to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (3) For people to make their homes in Bromley and for business, enterprise and the third sector to prosper.
 - (4) For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.Not Applicable: Further Details
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Financial

1. Cost of proposal: Estimated Cost: £1.9m
 2. Ongoing costs: Non-Recurring Cost: Consultancy and Survey Fees
 3. Budget head/performance centre: Crystal Palace Park Regeneration Plan
 4. Total current budget for this head: £1.9m
 5. Source of funding: Capital Receipts, Grants and Forward Funding
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable (Urgent)
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Procurement

1. Summary of Procurement Implications: See Commentary.
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: See Section 11.

Customer Impact

1. Estimated number of users or customers (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 The Regeneration Plan is an updated, scaled back and achievable version of the 2007 masterplan for Crystal Palace Park which gained outline planning permission in 2010. It is a holistic scheme that will deliver benefits to the park through:

- The physical regeneration – capital works
- A new form of governance – the Crystal Palace Park Trust
- A new business model – enabled through the capital works and new governance.

The outline planning application for the Regeneration Plan received consent in 2021. The legal agreements with the Local Planning Authority and the GLA were finalised in 2022. The new form of governance for the park and the new business model have been established, which leaves the capital works to be implemented in order to secure a long-term sustainable future for the park.

3.2 The next steps for the Crystal Palace Park Regeneration Plan were set out in report HPR2022/022 which went to the Executive in July 2022. As set out in this report approximately a third of the funding is expected to come from the sale of the housing land (enabling development), with the remaining generated through grants. This approach was previously approved in 2017 (Report No. DRR17/029). Initially the Planning Authority requested that heritage works up to the value of the enabling development capital receipt were completed before the residential works commenced, and therefore the capital receipt for the housing land was received. However, given that this would effectively prevent delivery, an agreement has been reached with the Planning Authority that protects both parties' interests, with key milestones defined for the heritage restoration works before residential works can commence on either Rockhills or Sydenham Villa sites. Officers are now seeking approval to proceed to procurement for the consultancy services required to undertake the next phase of heritage works.

3.3 The following must be secured prior to commencement of the Rockhills enabling residential development as part of the shadow s106 agreement:

- Italian Terraces: A contract has been awarded for the carrying out of all stonework in the Italian Terraces and 30% of such stonework has been completed.
- Tidal Lakes: Either a contract has been awarded for the carrying out of all historic landscaping works at the Tidal Lakes and 30% of such works have been completed or a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed; and
- Statues: A contract has been awarded for the restoration of at least four statues in the Park Land and restoration of the Paxton Bust in the Park Land has been completed but not necessarily moved into position.

3.4 The following must be secured prior to commencement of the Sydenham Villas enabling residential development as part of the shadow s106 agreement:

- Italian Terraces: A contract has been awarded for the carrying out of all stonework in the Italian Terraces and 10% of such stonework has been completed.
- Tidal Lakes: Either a contract has been awarded for the carrying out of all historic landscaping works at the Tidal Lakes and 10% of such works have been completed or a contract has been awarded for the restoration of all the dinosaurs at the Tidal Lakes and restoration of three of those dinosaurs has been completed; and

- Statues: A contract has been awarded for the restoration of at least four statues in the Park Land and restoration of the Paxton Bust in the Park Land has been completed but not necessarily moved into position.

3.5 In July 2022 (report no. HPR2022/022) the Executive approved the commencement of the forwarded funded heritage restoration capital works, limited to £4.5m (expected housing receipt £17.5m) noting that the Capital Programme will regularly be updated to reflect the impact of this on total scheme expenditure.

3.6 In summer 2022 officers submitted a Levelling Up Fund bid for £20m. The bid focussed on the terraces and top entrance to the park. The outcome of this bid remains unknown with timescales unclear. In November 2022 officers submitted the National Lottery Heritage Fund bid for £4,995,000, to specifically contribute towards the costs of the works in Section 3.2. The outcome of this bid will be communicated to the Council in March 2023.

Multi-disciplinary Consultancy Team - Procurement of services

3.7 In 2016 AECOM were awarded a 2 stage Multi-Disciplinary Contract to support the delivery of the capital works in the Regeneration Plan, which involved reviewing and reconfiguring the previous masterplan and progressing an updated regeneration plan for the park through the consultation and planning process. Following the successful completion of the Outline Planning Application process, the Council is now ready to progress to detailed design, planning and construction. Given the length of time since AECOM tendered for this original contract, and the natural break in the process, the Council and AECOM have agreed a mutual termination of this contract.

3.8 Given the above, a new multi-disciplinary consultant team to replace AECOM will need to be procured in order to progress the next phase of the works. This team will include a landscape architect, conservation architect, quantity surveyor, planning consultant, mechanical, electrical, structural and civil engineers, as well as the other required disciplines. The estimated fee allowance for the multi-disciplinary team to deliver the whole Regeneration Plan to completion remains at £4.7m. However in the short term if only the Tidal Lakes and Italian Terrace areas are restored the fees will be approximately £1.35m. The contract and procurement process will take into account the potential for different delivery outcomes, i.e. that only some of the Regeneration Plan may be ultimately delivered depending on the success of funding applications.

3.9 For the multi-disciplinary design team tender, Officers are proposing to do an open competitive tender with a robust set of quality requirements in order to ensure an appropriately experienced team are procured. The Council's standard evaluation ratio of 60:40, finance:quality will be used, in order to ensure best value. For some of the required consultancy services there will be a separate procurement exercise to ensure a direct contractual relationship, such as for the quantity surveying services, given the importance of cost control on the project.

3.10 Officers have prepared detailed briefing documents for the procurement of the new multi-disciplinary team, an extract of which are provided in the Part 2 appendices to this committee report (**Appendix 1** and **Appendix 2**). The new briefing documents set out the interdependencies between the different elements of the work and include a programme for discharging the reserved matters applications required for each element. The new consultancy contracts will also have break clauses and gateway points to reflect the phased nature of the works and the staggered funding arrangements.

3.11 The quality evaluation criteria for the multi-disciplinary tender will require bidders to have experience of delivering complex capital projects in heritage contexts.

3.12 As funding for each element of the Regeneration Plan becomes available it is envisaged that there will be competitive procurement for the phases of the works. The exact procurement route will be determined following soft market testing and with the advice of the new multi-disciplinary team, in conjunction with the Council's procurement team.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 The Regeneration Plan will have a positive impact on vulnerable adults and children. The park is an unrestricted public space and leisure facility which is easily accessible by public transport and car.

4.2 The Park is designed for public enjoyment and education and includes the popular dinosaurs which are a unique London attraction. The Regeneration Plan will improve access and public enjoyment, and will increase the amount of high quality, freely accessible public land within the park. The Park provides green space for many local families who do not have access to gardens of their own.

5. TRANSFORMATION/POLICY IMPLICATIONS

5.1 The Regeneration Plan has been a long term strategic solution for the Park which has a significant conservation deficit. Progressing this scheme will ultimately lead to a restored and sustainable park as well as eventual revenue savings.

5.2 The project will contribute to the Corporate Strategy to Make Bromley Even Better. It will meet the following objectives:

- For residents to live responsibly and prosper in a safe, clean and green environment great for today and a sustainable future.
- To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.

6. FINANCIAL IMPLICATIONS

6.1 This report seeks approval to undertake a competitive tender to appoint a multi-disciplinary consultancy team to support the delivery of the capital works in the Regeneration Plan.

6.2 The cost for this still remains within the £4.5m previously agreed and approved, however the immediate short-term costs are expected to be around £1.35m for Tidal Lakes and Italian Terrace areas.

6.3 There will be scope in the contract to factor in the whole regeneration project depending on funding application outcomes, with get out clauses included if significant delays or breaks in the works occur.

7. PERSONNEL IMPLICATIONS

N/A.

8. LEGAL IMPLICATIONS

8.1 This report seeks approval of the Executive to approve proceeding to procurement for a multi-disciplinary consultancy contract(s) to provide the necessary consultancy services to progress the delivery of the heritage works as more fully set out in this report.

- 8.2 The Council has the legal power to hold, maintain and develop its landholdings and buildings in connection with its functions and general powers in the way described in this report ,in particular in connection with its leisure and recreation powers under the section 19 Local Government Act (Miscellaneous Provisions) Act 1976. In addition, Section 1(1) of the Localism Act 2011 gives the Council the power to do anything that individuals may do and under Section 111 Local Government Act 1972 the Council has power to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- 8.3 In furtherance of these statutory powers the Council may provide and commission through a contract(s), the various consultancy services as more fully set out in this report.
- 8.4 The commissioning of a services contract to provide the various Consultancy services are public service contracts within the meaning of the Public Contracts Regulations 2015 (Regulations). Where the value exceeds the relevant threshold (£170,782 (excluding VAT)) such a procurement is governed by the Regulations and the Council must undertake a full procurement exercise or utilise a framework which is compliant with the Regulations. Where the value is below the threshold, such a procurement is not governed by the Regulations. However, in accordance with its fiduciary duty the Council has a legal duty to manage funds contributed by taxpayers efficiently and to use such funds to the best advantage of the Council. Estimated values appear elsewhere in this report. Compliance with the Council's Procurement Rules (CPR's) should satisfy the Council's fiduciary duty.
- 8.5 Under the CPR's where the estimated value of the proposed procurement is £1m and above authority to proceed to procurement requires approval of the Executive in agreement with the Portfolio Holder, Director of Finance, Assistant Director of Governance and Contracts, Director of Corporate Services. Delegated Budget holder and Chief Officer through this Member Gateway report.
- 8.6 All Council decision-making must be made rationally in accordance with administrative law principles, by taking proper account of all relevant considerations and disregarding those that are irrelevant. Furthermore, the Council must comply with its Fiduciary duty towards taxpayers and ensure resources are used prudently.
- 8.7 This report makes reference to the report and minutes of HPR2022/022 which went to the Executive in July 2022, and which is being progressed by Officers through the delegations made by the Executive. As the scheme develops, officers will need to keep under review the procurement strategy and the delivery of the scheme generally, which may necessitate the taking of further decisions and presenting further reports as may be necessary to progress the scheme.

9. PROCUREMENT IMPLICATIONS

- 9.1 This report seeks approval to undertake a competitive, Open tender to appoint a multi-disciplinary consultancy team to support the delivery of the capital works in the Regeneration Plan.
- 9.2 Due to the estimated contract value and the classification of the contract as a consultancy service contract, the procurement process shall comply with the Public Contract Regulations 2015 for an open procurement process. These obligations include the following:
- i) The tender must be advertised in Find A Tender Service (FATs) and Contracts Finder;
 - ii) The relevant contract award notices must subsequently be published;
 - iii) The procurement must comply with UK principles of transparency and equal treatment;

- iv) The procurement must conform with the information provided in the FATs Notice regarding any conditions for participation; time limits for contacting/responding to the authority; and the award procedure to be applied; and,
 - v) Time limits imposed, such as for responding to adverts and tenders, must be reasonable and proportionate.
- 9.3 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the formal Approval of the Executive, following Agreement by the Chief Officer, the Assistant Director of Governance & Contracts, the Director of Corporate Services and the Director of Finance
- 9.4 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.
- 9.5 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

10. PROPERTY IMPLICATIONS

N/A.

11. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 11.1 The Regeneration Plan was assessed against the existing socio-economic baseline conditions as part of the outline planning application. Different socio-economic baseline conditions were considered to assess effects at a local, borough and regional level. The socio-economic baseline conditions were established using nationally recognised data and research, including (but not limited to) the 2011 Census, Office for National Statistics employment data, and statistics released by the Department for Education and National Health Service. Once complete and in operation, the Regeneration Plan interventions will generate 46 net jobs in the Greater London area through a variety of means.
- 11.2 The future occupants of the new residential developments within the Regeneration Plan are estimated to spend approximately £3.6 million per annum in the Greater London each year. The 210 additional dwellings will account for 3.3% of the total housing target set for Bromley in the London Plan between 2015 and 2025. This is considered a minor beneficial effect, but it is not considered significant.
- 11.3 Primary healthcare facilities within 1km of the Site currently have an average of 1,863 patients per GP, which is broadly in line with the standard of one GP per 1,800 registered patients. The residential elements of the Regeneration Plan will increase this ratio to 1,875 patients per GP, but this is still considered broadly in line with the set target for the UK.
- 11.4 The landscaping works within the Regeneration Plan will improve and expand open space across the Site, which is identified as a Metropolitan Park according to the London Plan. The Park will be expanded by around 2.7ha and the quality of the open space will be greatly enhanced through new character areas, improved infrastructure and better accessibility. The works aim to re-establish the Park's cultural significance and identity.
- 11.5 The Regeneration Plan will provide 2,730m² of publicly accessible play space across three separate areas. This space will be accessible from the residential units within the Regeneration Plan and will cater for the needs of children of all ages within these units. In addition, the over-provision provided by the Regeneration Plan will improve the provision of local play space and will be accessible to visitors and the community.

11.6 The assessment for the outline planning application identified no potential significant adverse effects relating to socio-economics within either the construction/demolition or operational phase hence there is no requirement for mitigation. Significant beneficial effects are anticipated during operation as a result of the provision of open space in the local area (major beneficial) and the provision of open space locally (moderate beneficial).

12 CUSTOMER IMPACT

N/A.

13 WARD COUNCILLOR VIEWS

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Non-Applicable Headings:	[List any of headings 4 to 13 that do not apply.]
Background Documents: (Access via Contact Officer)	[Title of document and date]