

# WESTMINSTER CITY COUNCIL

## STATEMENT OF DECISION

### **SUBJECT: MARBLE ARCH MOUND - DESIGN, COMMISSION, CONSTRUCTION AND OPERATION OF THE SHOWCASE EVENT**

Notice is hereby given that Melvyn Caplan, Cabinet Member for City Management, has made the following executive decision on the above mentioned subject for the reasons set out below.

This report seeks a number of decisions regarding the sourcing and financial approach for delivering the showcase event of the Marble Arch Mound ("the Mound"), a temporary structure located at Marble Arch which replicates a natural mound with a viewing platform at the summit.

#### **Recommendations**

- 1.1. The appendices to this report be exempt from disclosure by virtue of s100A and Schedule 12A of the Local Government Act 1972 (as amended), in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 1.2. That the Cabinet Member for City Management:
  - a) Approved the sourcing approach of two packages, using FM Conway for the design & build elements and procuring, via tender, the event management service provider.
  - b) Approved the design development proceeding in parallel to the Planning Application of the Mound in order to achieve the ambitious commencement date.
  - c) Approved the high-level capital and gross revenue expenditure of up to £2m on the understanding that the Project team will work to refine and reduce this figure where possible. In the event it transpires that the project budget is at risk of being exceeded, a further report will be submitted setting out the risks and quantum of exceeding the project budget and seeking further approval. The net cost has the potential to be substantially lower due to the various potential income streams referred to in the report.
  - d) Approved the approach of the Project team exploring risk mitigation options such as purchase (and capitalisation) of scaffolding subject to standard governance requirements and delegations.

#### **Reasons for Decision**

- 1.3. The Mound is intended to be a showcase attraction and will be challenging to deliver in the timescales available. It comprises a unique temporary structure to be designed and built for the public to access and enjoy views from the summit. It is quickly apparent that there is no single provider that could provide the entire

spectrum of requirements as part of its own core business. It would either require a contractor to further develop the design and build the structure while subcontracting the events management package; or an events management organisation which would need to sub-contract the design development and build package.

- 1.4. While the requirement could be procured as a single package, there would inevitably be some significant sub-contracting required under such an approach. This approach typically reduces Council involvement in the selection of sub-contractors but adds management costs to the sub-contracted element. The Council should retain its control over selection of the providers of the two key specialisms by directly selecting and appointing both the works contractor and the event management service provider as both entities will be pivotal to a successful outcome. There is no apparent advantage in the Council ceding that selection to a third party under a sub-contract arrangement.
- 1.5. For the design & build contractor, the timeline for procuring the contractor and then delivering the design and build requirements is approximately 18 weeks to procure and 16 weeks to design and build, for a total of 34 weeks. This would result in a commencement date of approximately late September 2021.
- 1.6. By utilising an existing contract with appropriate, relevant scope, the commencement date could be achieved in approximately 18 weeks (some time is needed to develop the specification / deliverables for the existing contractor).
- 1.7. The Council has identified its existing contract Highways Maintenance Management and Public Realm Projects (also known as Highways Framework Contract A) as having the appropriate scope and instruction mechanism for delivering the design and build package. The Highways Framework Contract A is valid to end March 2023 and is with FM Conway.
- 1.8. The reasons supporting this decision are:
  - a) The contract scope includes temporary structures.
  - b) Ability to rapidly instruct the contractor via Task Service Order (TSO) process.
  - c) The contractor is not tied to a named sub-consultant designer. It will either detail in its proposal how its in-house resources will fulfil these requirements, or if sub-contracted, it has to identify the sub-contractor and detail the reasons for the sub-contractor selection. There is a contractual right for the Council and its officers to be consulted on TSO's so the Council can reject any proposed specialist designer (under sub-contract) where the Council has concerns that the proposed sub-contractor cannot suitably deliver the unusual requirement.
  - d) Good relevant experience – Illuminated River Project.

- e) Recent positive experience of rapid roll-out of emergency works during Covid19.
- f) Competitive pricing arrangements based on economies of scale due to the significant aggregate annual spend under Highways framework A.

1.9. Please see appendix 2 for details of alternate contracts considered.

1.10. For the event management element, the scope will include but not be limited to the following:

- a) Plan, resource and operate the showcase event for a period of 6 months initially (with option for a further 6 months in case the event is extended due to popular demand).

**Stuart Love, Chief Executive,**

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**Implementation Date:** 9 April 2021

**Reference:** CMfE&CM/05/2021