

Notice of Non-key Executive Decision

Subject Heading:	Schools Condition Programme - Authority to commence a tendering process for Fire Alarm and Emergency Lighting works during the Summer school holidays
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Childrens and Families and Deputy Leader of the Council
SLT Lead:	Tim Aldridge – Director of Children's Services
Report Author and contact details:	Ian Saxby – Architectural and Design Manager Telephone: 01708 433529, Email: Ian.Saxby@onesource.co.uk
Policy context:	Supports educational outcomes within the broader opportunities context of the Havering Vision
Financial summary:	Estimated capital costs of £347,000. Funding of which has been include in the approved capital programme, subject to confirmation of grant award from EFA. It is anticipated that the works being tendered will be contained within the allocated budget.
Relevant OSC:	Children & Learning Overview and Scrutiny Committee
Is this decision exempt from being called-in?	This is a non-key decision

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the tendering of fire alarms and emergency lighting to Langtons Infant School, Towers Infants School, Squirrels Heath Infant and Junior Schools and Clockhouse.

AUTHORITY UNDER WHICH DECISION IS MADE

The Technical Director can approve the tendering of contracts of up to £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

The existing fire alarm and emergency lighting systems to Langtons Infant School, Towers Infants School, Squirrels Heath Infant and Junior Schools and Clockhouse have been surveyed and it has been established that they are now beyond their service life and require replacement.

It is proposed that these works will be tendered via Constructionline. This approach has been agreed with Corporate Procurement.

It is proposed to tender these works using a JCT Intermediate Building Contract (IC) 2011.

It is proposed that these works will be completed during the school Summer and Easter holiday periods.

OTHER OPTIONS CONSIDERED AND REJECTED

The building works are relatively straightforward and comfortably within the competence and capability of local contractors. This procurement route has resulted in value for money as evidenced by the comparative costs being evaluated by the EFA to be in the lower quartile of bids received.

PRE-DECISION CONSULTATION

Consultation has taken place with the schools and corporate procurement team.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Ian Saxby

Designation: Head of Technical Services

Signature:



Date: 15.04.19.

FINANCIAL IMPLICATIONS AND RISKS

Breakdown of costs

Tender 1 - (Works to be carried out Summer 2019)

Squirrels Heath Infant & Junior Schools (Fire Alarms and Emergency Lighting)	£94,000
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Langtons Infants School (Fire Alarm)	£70,000
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Tender 2 - (Works to be carried out Summer 2019)

Clockhouse Primary School (Fire Alarm and Emergency Lighting)	£103,000
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Towers Infants School (Fire Alarm)	£60,000
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Tender 3 – (Works to be carried out Summer 2019)

Towers Infant School (Emergency lighting)	£20,000
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Total estimated Value (including professional fees)	£347,000
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The following funding is included within the approved Capital Programme*

A3041 Squirrels Inf Sch Fire Alarm	£35,000
A3042 Squirrels Inf Sch Emergency Lighting	£12,000
A3043 Squirrels Jr Sch Fire Alarm	£35,000
A3044 Squirrels Jr Sch Emergency Lighting	£12,000
A3029 Langtons Inf Sch Fire Alarm	£70,000
A3023 Clockhouse Sch Emergency Lighting	£23,000
A3024 Clockhouse Sch Fire Alarms	£80,000
A3047 Towers Inf Sch Fire alarm	£60,000
A3046 Towers Inf Sch Emergency lighting	£20,000
Total Funding	£347,000

* A provisional School Maintenance Capital Programme has been approved based on an expectation of receiving a maintenance grant from the EFA. The Capital Programme will be finalised following confirmation of the grant award.

All of the above costs are inclusive of professional fees at 15%

It is noted that this approval is for the authority to tender the works only. There is a risk that tenders will not be within the budgetary provision available. However, the award of these contracts will be subject to a separate approval once tenders have been received and the financial implications will be reassessed at that time.

As with all contracts there is a risk to contractor delivery/continued operation. However the contractor selection process will partly mitigate this risk, along with careful project management.

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. Local authorities should have regard to sections 13, 13A and 14 of the Education Act 1996 which require local authorities to, ensure that efficient primary, secondary and further education is available to meet the needs of their population.
2. The Council also has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, together with the power under section 111 of the Local Government Act 1972 to do anything ancillary to or which facilitates any of its functions. The contract may be procured in accordance with these powers.
3. The Council's Contract Procures Rules 4 and 13 (Constructionline) set out the strategy for the procurement of Works contracts of below the EU threshold (currently **£4,551,413** as of January 2018) in value to be submitted to a Member of SLT for approval of such contracts. The details of the evaluation compliance with the CPRs, for the award of this contract are set out with the body of this report.
4. The proposed contract value is below the EU threshold for Works contracts and accordingly the procurement needs only to comply with the treaty principles of equal treatment, non-discrimination and transparency and the Council's Contract Procedure Rules (see CPR 13, 18 and 24).
5. The proposed Works Contract does not fall within the full rigours of the Public Contracts Regulations 2015.
6. The body of the report indicates that a tender exercise has been undertaken and evaluated by the department as required by CPR 13.
7. The Director of Technical Services will be aware of the Public Sector Equality Duty (PSED) set out in section 149 of the Equality Act 2010. At each stage, in exercising its function (and in its decision making processes) the council must have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - c) foster good relations between person who share a relevant protected characteristic and those who do not share it.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation

8. The Legal and Governance officers are available to assist the client department in finalising the terms and conditions of the contract.

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Confirmation of the school maintenance grant is expected in April 2019, which will be prior to the award of any tender. There is a risk that the grant confirmation will not have been received by this time in which case it may be necessary to consider alternative sources of funding such as any unspent prior years emergency works budgets and/or repriorisation of schemes and a virement of budgets from other schemes. If necessary, this will be considered as part of the tender award decision making process.

**HUMAN RESOURCES IMPLICATIONS AND RISKS
(AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no implications associated with this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

These proposals do not have any equalities and social impact implications and risks.

BACKGROUND PAPERS

None

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed Mark Butler

Name: Mark Butler

Technical Director - OneSource

Date: 15.04.19.

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on 24/04/2019

Signed J. J. R.