

Notice of Non-key Executive Decision

Subject Heading:	Ardleigh Green Junior School – Approval to commence the tendering process relating to the phased replacement of Heating Pipe work/Emitters
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 £300,000. 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
 Places making Havering
 Opportunities making Havering
 Connections making Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. That the Second Tier Manager approves the procurement strategy to undertake a tender exercise of the Phased replacement of Heating Pipe work/Emitters at Ardleigh Green Junior School, to procure a Works contract, at an estimated contract sum of £300,000.00 The proposed form of contract to be used is a JCT Intermediate Building Contract (IC) 2016 with the Council's Supplemental Amendments.
2. The Second Tier Manager notes that length of the proposed contract arrangement is to be split over two years, commencing on 25th July 2019.

AUTHORITY UNDER WHICH DECISION IS MADE

3.1 General provisions and limitations

(a) Staff shall exercise powers under this scheme in compliance with:

- (i) the rules of procedure set out in Part 4 of this constitution
- (ii) corporate policies and strategies
- (iii) any additional conditions imposed either by the Council or by statute or any statutory code of practice.

(b) The exercise by staff of the powers delegated under this constitution involving the incurring of any expenditure is subject to there being sufficient approved provision within the budget to cover that expenditure.

3.4 Powers of Second Tier Managers

- a) Second Tier Managers are those managers directly reporting to a SLT Director. Second Tier Managers all have delegated authority to act as follows within the assigned service, subject to the general provisions and limitations set out in section 3.1 above.

Contract powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

The existing Heating Pipe work/Emitters at Ardleigh Green Junior School have been surveyed and it has been established that they are now beyond their service life and require replacement.

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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) 2016.

It is proposed that these works will be phased over the next two years using the summer holiday periods.

Further Notes:

- i) The total project cost is estimated to be in the order of £300,000 (including professional fees, FF&E etc.) and a breakdown is included within the financial section.
- ii) The estimated contract cost is £255,000.00, this is below the threshold required by OJEU Regulations, it is therefore proposed to procure by a single stage selective tendering process with seven contractors selected from the ConstructionLine database in accordance with the Contract Procurement Regulations. Tenders received will be evaluated on a 70% cost/ 30% quality basis.
- iii) Programme

Issue of Tender	3 rd June 2019
Tender submission deadline	28 th June 2019
ED approval	8 th July 2019
Contract start	25 th July 2019
Proposed start of works	25 th July 2019
Estimated completion (phased two years)	28 th August 2020
- iv) The project team will comprise staff from Technical Services, Educational Asset Management and Procurement.
- v) Community and social benefits will be part of the evaluation criteria including utilisation of local resources and personnel.
- vi) TUPE does not apply.
- vii) Project Risks
 - a) Ability to procure main contract within timescale
 - b) Main contractor willingness/ availability to work in challenging circumstances including phasing to maintain normal school operations
 - c) Tender received may exceed financial allocation.

Programme may be unachievable given the need to maintain existing curricular activities.

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.

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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: 29.5.19.

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 Second Tier Manager for approval of such contracts. The details of the proposed procurement strategy 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. This report is seeking the Second Tier Manager's approval to undertake a tender exercise, for the reason set out within the body of the report, at an estimated contract sum of £255,000.00, split over a period of two years, with an estimated start date in £25th July 2019, for the ongoing Ardleigh Green Junior School project. The proposed form of contract to be the JCT Intermediate Building Contract (IC) 2016 with the Council's Supplemental Amendments.
6. The Second Tier Manager 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:

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- 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

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

FINANCIAL IMPLICATIONS AND RISKS

The following funding is included within the approved Capital Programme

A3020 Ardleigh Green Junior School – Replacement pipework & emitters £300,000

Total Funding **£300,000**

It is estimated that costs, including professional fees at 15% can be contained within the budget envelope available. Funding has been included in the approved capital programme, subject to confirmation of grant award from EFA and reprioritisation of schemes to remain within the grant funding available. It is envisaged that this exercise will be completed prior to the decision to award the contract.

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.

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



Name: Mark Butler

Director of Technical Services - OneSource

Date: 29/5/2019.

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 30/5/2019

Signed 