

Notice of Non-key Executive Decision

Subject Heading:	Bower Park Academy – Authority to commence a tendering process for the professional consultancy services of Project Management and Quantity Surveying services
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Children's and Families and Deputy Leader of the Council
CLT Lead:	Tim Aldridge – Director of Children's Services
Report Author and contact details:	Ian Saxby – Head of Technical Services Telephone: 01708 433529 Email: ian.saxby@onesource.co.uk
Policy context:	<u>Communities</u> We want to help our residents to make positive lifestyle choices and ensure a good start for every child to reach their full potential. We will support families and communities look after themselves and each other, with a particular emphasis on our most vulnerable residents.
Financial summary:	The estimated cost of the contract is £100k. This will be funded from the education capital programme.
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"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the prior commencement of a procurement process for the engagement of Project Management and Quantity Surveying resources to support reconfiguration/refurbishment proposals to Bower Park Academy as part of the proposed school expansion programme.

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

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

It has been agreed to expand Bower Park as part of the Schools Expansion Programme.

It is proposed to commence a procurement process for engaging a Project manager and Quantity Surveyor to support the delivery of this project.

The cost of engaging the technical resources is included within the 'agreed funding for this project.

Tenders will be sought in accordance with the Council's Contract Procurement Rules paragraphs 4 and 13 (Construction Line) and will be evaluated on a 70/30 Quality/Price ratio in accordance with Contract Rule 18.(iv). The head of Procurement has confirmed he is satisfied with this approach and the use of Construction line in accordance with paragraph 17.5 of the Contract Rules.

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OTHER OPTIONS CONSIDERED AND REJECTED

Consideration has been given to carrying out the design work in house and a resource planning exercise undertaken. However, due to current workloads and limited resources, it will not be possible to complete the works within the required timescales. Consideration has al been given to procuring these services through a framework such as the GLA Urbanism Framework, but this is deemed not to represent best value for money for the council.

PRE-DECISION CONSULTATION

Consultation has taken place with a number of relevant key stakeholders. In addition to this, consultation has taken place with the finance, legal and the Strategic Procurement Unit.

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

Name: Ian Saxby

Designation: Head of Technical Services

Signature:



Date: 27/09/2019

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The report seeks the approval of the Second Tier Manager to commence a tendering process for the professional consultancy services to support the refurbishment and expansion of Bower Park Academy, at an estimated contract sum of £100,000. The proposed form of contract to be used is a JCT Consultancy Agreement (Public Sector) (CA) 2016 with the Council's Supplemental Amendments.
2. The Council 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. With the assistance of the Procurement unit, the client department will undertake a tender process which is allowable under the Public Contracts Regulations 2015 ("PCR 2015") and the Council's Contract Procedure Rules ("CPR"), including the award selection using the MEAT criterion. The most economically advantageous tender (MEAT) criterion enables the contracting authority to take account of criteria that reflect qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision.
4. The proposed contract value is below the EU threshold for Service contracts; therefore accordingly, the procurement exercise needs only to comply with the treaty principles of equal treatment, non-discrimination and transparency and the Council's Contract Procedure Rules (see CPR 18 and 22).
5. The proposed Service Contract does not fall within the full rigours of the Public Contracts Regulations 2015.
6. The Council's Contract Procedure Rule 3 provides that a contract may only be awarded if the expenditure has been included in approved revenue or capital estimates or has been otherwise approved by, or on behalf of the Council. The body of this report confirm the relevant financial implications arising from the Council's award of the contract.
7. 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:
 - 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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FINANCIAL IMPLICATIONS AND RISKS

Estimated Project Costs

The following funding is included within the approved Capital Programme

A2608 Bower Park Academy Expansion	£4,000,000
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Total Funding	£4,000,000
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Risks

It is estimated that costs, including professional fees (overall) at 10% can be contained within the budget envelope available. Funding has been included in the approved capital programme.

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

Date: 27/09/2019

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 27/9/2019

Signed J.P. Marlow