



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Smart Ways of Working Programme – Authority to <b>award a contract</b> for the professional consultancy services of an Architect
<b>SLT Lead:</b>	Jane West – Chief Operating Officer
<b>Report Author and contact details:</b>	Ian Saxby – Head of Technical Services Telephone: 01708 433529 Email: ian.saxby@onesource.co.uk
<b>Policy context:</b>	<b><u>Communities</u></b> Supports the rationalisation of the council's property portfolio to deliver efficiency savings as part of the modern ways of working programme.
<b>Financial summary:</b>	This report seeks authorisation to award a Consultancy contract in the sum of £94,750. This will be funded from the Smart Working programme's capital budget.
<b>Relevant OSC:</b>	Overview and Scrutiny Board
<b>Is this decision exempt from being called-in?</b>	This is a non-key decision

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

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

That the CLT Member approves the award of a contract to Hawkins Brown Architects LLP, in the sum of £94,750 to provide architectural and professional services to support reconfiguration/refurbishment proposals to Mercury House and the Town Hall as part of the proposed Smart Working Programme to be considered by Cabinet in September 2019.

#### AUTHORITY UNDER WHICH DECISION IS MADE

Constitution rule 3.3 Powers of Members of the Council Leadership Team.  
Contract powers.

To approve award for all contracts with a total contract value of less than £500,000.

#### STATEMENT OF THE REASONS FOR THE DECISION

Six consultants from Construction Line were invited to tender on the basis of a JCT Consultancy Agreement (Public Sector) (CA) 2016 (as amended). Two of the Six Consultants returned offers, which were assessed by a panel of officers from Technical Services and the strategic procurement unit on a 70/30 quality /price basis as follows:

<i>Tenderer</i>	<i>Technical 70%</i>	<i>Cost 30%</i>	<i>Total Score</i>	<i>RANKING</i>
Hawkins Brown Architects LLP	94%	100%	95.8%	1
Consultant B	80%	59%	73.8%	2

The tender submitted by Hawkins Brown Architects LLP is considered to be the most economically advantageous tender and is therefore recommended for approval.

<b>Milestone</b>	<b>Period/Date</b>
Consultant Appointments	October 2019
Scheme Design (RIBA Stages A-D)	October 2019 - December 2019
Submission of Planning Application	December 2019
Preparation of Tender Documents	October 2019 - December 2019
Constructors Proposals (Tender Period)	December 2019 - February 2020
Mobilisation & On-Site Construction	March 2020 – February 2021

#### 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 also 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.

Non-Key Executive Decision

**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:

28.10.19.

**Part B - Assessment of implications and risks**

**LEGAL IMPLICATIONS AND RISKS**

1. 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.
2. Following the assistance of the Procurement unit, the client department has undertaken 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.
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.

This report is seeking the SLT Member's approval to award the contract to Hawkins Brown Architects LLP, to provide architectural and professional services to support reconfiguration/refurbishment proposals to Mercury House and the Town Hall as part of the proposed Smart Working Programme to be considered approved by Cabinet in September 2019, for the reasons set out within the body of the report, at a contract sum of £94,750, with an estimated commencement date of October 2019. The proposed form of contract to be a JCT Consultancy Agreement (Public Sector) (CA) 2016 with the Council's Supplemental Amendments.

4. 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.
5. The SLT Member 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.

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

Non-Key Executive Decision

**FINANCIAL IMPLICATIONS AND RISKS**

**Estimated Project Costs £95K**

Funded by the Smarter Working capital budget: £150k

**Risks**

The works have been tendered against an agreed schedule of works. There is the possibility that the costs could increase, if the scope of the works were to be amended. However, any amendments would need to go through an agreed change control 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

Non-Key Executive Decision

**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 MBuse

Name: Mark Butler – Technical Director

Date: 28.10.19.

**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 31/10/19

Signed A-17 en