



## Notice of Non-Key Executive Decision

<b>Subject Heading:</b>	Bower Park Academy - Expansion – Authority to <b>award a contract</b> for the engagement of Project Management and Quantity Surveying consultant to support reconfiguration/refurbishment proposals
<b>SLT Lead:</b>	Robert South – Director of Children’s Services
<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> 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.
<b>Financial summary:</b>	This report seeks authorisation to award a Consultancy contract in the sum of <b>£65,600.00</b> . This will be funded from the education capital programme.
<b>Relevant OSC:</b>	Children & Learning Overview and Scrutiny Committee
<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 [X]
- Places making Havering []
- Opportunities making Havering []
- Connections making Havering []

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### Part A – Report seeking decision

#### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the Technical Director approves the award of the proposed contract as Project Management and Quantity Surveying resources to support reconfiguration/refurbishment proposals to Bower Park Academy as part of the proposed school expansion programme, to **Playle Partners LLP**, for the reason set out within the body of the report, at an estimated contract sum of **£ 65,600.00** on the basis of a JCT Consultancy Agreement (Public Sector) (CA) 2016 (as amended).

#### AUTHORITY UNDER WHICH DECISION IS MADE

Constitution rule 3.4(a) Powers of Second Tier Managers  
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

Four consultants were invited to tender on the basis of a JCT Consultancy Agreement (Public Sector) (CA) 2016 (as amended). Four consultants were invited to tender and four offers were returned and these have been 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>
<b>Playle Partners LLP</b>	59.5%	30.000%	89.500%	<b>1</b>
<b>Contractor A</b>	56.7%	27.470%	84.170%	<b>2</b>
<b>Contractor B</b>	51.8%	22.363%	74.163%	<b>4</b>
<b>Contractor C</b>	63%	19.758%	82.758%	<b>3</b>

The tender submitted by **Playle Partners LLP** is considered to be the most economically advantageous tender and is therefore recommended for approval.

#### Bower Park Academy Expansion Works – Tentative Programme of the Works

<i>Contract Award</i>	<i>November 2019</i>
<i>Commencement of the Works</i>	<i>April 2020</i>
<i>Envisaged End of Works</i>	<i>December 2020</i>
<i>Handover and Contract Closure</i>	<i>December 2020</i>
<i>School in Occupation</i>	<i>January 2021</i>

**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 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**

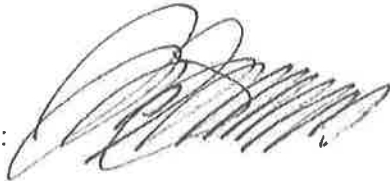
Consultation has taken place with a number of relevant key stakeholders. In addition to this, consultation has taken place with the finance, legal and the Strategic Procurement Unit.

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

Name: Ian Saxby

Designation: Head of Technical Services

Signature:



Date: 21.11.19.

**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. This report is seeking the Technical Director's approval to award the contract to **Playle Partners LLP**, to provide professional services to support configuration/refurbishment proposals to Bower Park Academy, for the reasons set out within the body of the report, at a contract sum of **£65,600.00**, 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 Technical Director 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

**FINANCIAL IMPLICATIONS AND RISKS**

**Estimated Consultancy Contract Costs - £65,600**

The following funding is included within the approved Capital Programme

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A2608 Bower Park Academy Expansion	£4,000,000
<b>Total Funding</b>	<b>£4,000,000</b>

### **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.

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**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

### **Consultation**

Consultation with affected parties is essential to good practice. In terms of administrative law this has a specific meaning, and if done should be proportionate, fair and inclusive. Sufficient time and information should be afforded to allow consultees to comment meaningfully on the matter in hand and the responses taken conscientiously into account by the decision maker.

It is both Council policy and recently renewed SLT direction/expectation that EqHIAs (Equality and Health Impact Assessments) are carried out when appropriate and in sufficient time to

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enable informed decision-making. As a basic rule, one should be undertaken whenever staff, service users, or the wider public are impacted by decisions or the intended or planned activity. The relevant template with guidance is available from [diversity@haverling.gov.uk](mailto:diversity@haverling.gov.uk) and the intranet. The purpose is to ensure a systematic approach to the task and to evidence that due regard is paid to any adverse impact on affected parties with protected characteristics. Additionally, the assessment will look at matters pertaining to health and socio-economics, respectively.

Another accepted way to demonstrate due regard is to produce minutes of meetings which clearly show equality implications of the intended activity were fully discussed and understood by decision-makers. The status of EqHIAs can be completed or 'under development', with a view to completion before any final decisions are reached. Where legal challenges occur, completed EqHIAs can often become items of evidence in related proceedings. Finally, clear reasons should be stated here if an EqHIA is not to be carried out.

**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

Date: 21/11/19.

**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 22/11/19

Signed A. H. [Signature]

