



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Authority to seek tenders for the procurement of a Works contract, to upgrade the communal heating and hot water provision at Cottons Court, Cole Court and Thomas Sims Court to include new heating systems and controls within the individual units.
<b>Cabinet Member:</b>	Cllr Joshua Chapman Cabinet Member for Housing
<b>SLT Lead:</b>	Patrick Odling-Smee Director of Housing Services
<b>Report Author and contact details:</b>	Keith Deane, Building Services and Compliance Manager <a href="mailto:keith.deane@havering.gov.uk">keith.deane@havering.gov.uk</a> Tel No: 01708 432582
<b>Policy context:</b>	This decision is to be given to allow for the tendering of the heating and hot water upgrade works at Cottons Court
<b>Financial summary:</b>	The estimated contract value is £1,500,000, which will be funded from Capital and HRA Resources.
<b>Relevant OSC:</b>	Towns and Communities OSC
<b>Is this decision exempt from being called-in?</b>	Yes - It is a non-key decision by a member of staff

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

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

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

That the SLT member approves the procurement strategy to undertake a tender exercise, to procure a Works contract, at an estimated contract sum of **£1.5 million** pounds (One Million Five Hundred Thousand Pounds), for a period of approximately twenty (20) weeks, with an estimated start date of February 2020, for capital heating and hot water upgrade works at Cottons Court, Marks Road, Romford, RM7 7AN. Cole Court, Dorking Road, Romford RM3 9YD. Thomas Sims Court, Wood Lane, Hornchurch, RM12 5NN. All three projects will run concurrently. The proposed form of contract to be the JCT Intermediate Contract 2016, with the Council's Supplemental Amendments.

### AUTHORITY UNDER WHICH DECISION IS MADE

#### **3.3 Powers of Members of the Senior Leadership Team**

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

#### **General powers**

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

#### **Contract powers**

- (a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.
- (b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.
- (c) To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.

### STATEMENT OF THE REASONS FOR THE DECISION

All three sites are sheltered housing accommodation. There is an urgent need to renovate and modernise the heating and hot water provision at all three sites as residents cannot properly control or adjust it at present. The proposed works will upgrade the central heating and hot water systems.

This work will bring energy efficiencies with savings for the council and the residents as each unit within all three sites will be able to control its own heating and hot water provision.

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The contract for this work will be a JCT Intermediate contract with standard council amendments.

It is proposed to invite at least 7 (Seven) suitably-qualified contractors with Construction line registrations to tender. Tenders will be sought via the council's 'capitalEsourcing' procurement portal. Tenders will be evaluated according to quality and price, with quality representing 30% of the available mark and price 70% of the available mark. The evaluation team will consist of members of the council's Building Services team which is part of the Housing Services directorate.

This works contract has a short duration so it does not lend itself well to securing additional social value. The successful contractor will however be required to offer a short-term work placement plus a 'taster day' at an educational establishment to give an insight into their industry.

#### **Programme**

Issue of Tender	6 <sup>th</sup> January 2020
Tender submission deadline	31 <sup>st</sup> January 2020
Checkpoint and ED approval	14 <sup>th</sup> February 2020
Contract start	21st February 2020
Proposed start of works	28th February 2020
Estimated end of new build works	7th August 2020

#### **OTHER OPTIONS CONSIDERED AND REJECTED**

Use of a framework for tendering this contract – rejected as tendering would be limited to the framework members. The proposed course of action will allow the council to use its own judgment when selecting Construction line-registered organisations to invite to tender.

#### **PRE-DECISION CONSULTATION**

Officers have consulted with the Strategic Procurement Unit (SPU) throughout this process. There is no requirement to undertake a leaseholder's consultation process on this contract as there are no leaseholders. Resident's at all three schemes will be kept informed about the proposed works and their progress.

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

Name: Keith Deane, Building Services and Compliancy Manager

Designation:

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Signature:	Date:
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## 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. The Council's Contract Procures Rules 4 and 13 (Construction line) 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.
3. This report is seeking the SLT members approval of the procurement strategy set out within the report, to undertake a tender exercise, to procure a Works contract, at an estimated contract sum of **£1.5 million** pounds, for a period of approximately twenty (20) weeks, with an estimated start date of February 2020, for capital heating and hot water upgrade works at Cottons Court, Marks Road, Romford, RM7 7AN. Cole Court, Dorking Road, Romford RM3 9YD. Thomas Sims Court, Wood Lane, Hornchurch, RM12 5NN. All three projects will run concurrently. The proposed form of contract to be the JCT Minor Works Building Contract 2016, with the Council's Supplemental Amendments.
4. 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 PSED General Duty is a continuing duty, and potential equality considerations should be considered at the different stages of the programme. The SLT Member is specifically referred to the body of the report which sets out the consideration(s) that have been given to equalities issues in relation to the proposed delivery programme.

5. The Legal and Governance officers are available to provide ongoing legal advice, and to assist the client department in finalising any terms and conditions of the proposed draft contract and/or associated procurement documents if required.

### FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to commence the procurement process and does not contain any financial implications. It is anticipated that the contract will cost in the region of

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£1,500,000, which will be funded from HRA resources, Project Code: A2847, Task 17.0. and Cost Centre A29305. This figure will be confirmed and the contract awarded via a separate Executive Decision.

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

I believe there is no financial implication or risk as no additional staff are required for the contract, contract management and administration will be taken from existing budgets.

### **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 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

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reasons should be stated here if an EqHIA is not to be carried out.

**BACKGROUND PAPERS**

There are no background papers for this ED



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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

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed 

Name: P. ODLING-SMEE

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 16/12/19.

**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 23/12/2019

Signed 

