

Notice of Non-key Executive Decision

Subject Heading:	Upminster Cemetery Extension – Authority to commence a tendering process for the professional consultancy services of a Quantity Surveyor
Cabinet Member:	Councillor Damien White – Leader of the Council
CLT Lead:	Mark Butler, Director of Technical Services
Report Author and contact details:	Ian Saxby, Head of Technical Services ian.saxby@havering.gov.uk Email: ian.saxby@onesource.co.uk
Policy context:	It is estimated, based on current demand, that burial space at Upminster Cemetery will run out in approximately 4 years. If the Council wishes to continue to offer burial within Havering, provision must be made for additional burial space.
Financial summary:	The estimated cost of the contract is £50k. Cabinet previously approved a sum of £2.4m. A business case for a further £3.1m was submitted and approved by Cabinet as part of the Medium Term Financial Strategy.
Relevant OSC:	Overview and Scrutiny Board
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 Quantity Surveying resources to support extension of Upminster Cemetery (Phases 2&3) as approved by Cabinet in September 2019, for the reason set out within the body of the report, at an estimated contract sum of £50,000 on the basis of a JCT Consultancy Agreement (Public Sector) (CA) 2016 (as amended).

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

Cabinet considered a comprehensive report on the extension of Upminster Cemetery at a meeting on 18th September.

It is estimated, based on current demand, that burial space at Upminster Cemetery will run out in approximately 4 years. If the Council wishes to continue to offer burial within Havering, provision must be made for additional burial space.

A project to extend Upminster Cemetery (phase 1) was completed in 2014. As part of these proposals, it was planned that Upminster Cemetery would be further extended in the future, to provide a continuum of burial space. To meet future needs, it is now necessary to commence a detailed design and planning of phases 2 & 3 of the cemetery extension in order that this can be completed within the timescales. The final design and tender process is scheduled to be completed in the Autumn of 2020 in readiness for the commencement of construction. Landscaping could be completed during Summer 2021 in readiness for the site to be usable for burial by Autumn/winter 2021.

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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 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.

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

Name: Ian Saxby

Designation: Head of Technical Services

Signature:



Date: 02/12/2019

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 extension of Upminster Cemetery (phases 2&3), at an estimated contract sum of £50,000. 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 estimated cost of the contract is £50k. Cabinet previously approved a sum of £2.4m. A business case for a further £3.1m was submitted and approved by Cabinet as part of the Medium Term Financial Strategy. The funding for the project is within Cemeteries & Crematorium, A2832 Cemetery Expansion Phases 2 & 3.

Risks

There is a risk that the tender results will exceed estimates. If this risk materialises it will be considered as part of the decision to award 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

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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
Technical Director

Date: 02/12/2019

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 2/1/2020

Signed 