

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Window Replacement & Ancillary Works at Dryden & Kipling Towers – authorisation to go out to tender
<b>Cabinet Member:</b>	Councillor Joshua Chapman
<b>SLT Lead:</b>	Patrick Odling-Smee – Director of Housing Services
<b>Report Author and contact details:</b>	Ade Oshinmi – Project Surveyor, Capital Delivery Tel: 01708 434 323 Email: Ade.Oshinmi@havering.gov.uk
<b>Policy context:</b>	This is to support the Council's key 'Places' priority, in that the proposed contract will help the Council achieve its outcome of 'improving our housing estates
<b>Financial summary:</b>	The anticipated total cost for the whole works is £1,200,000.00 which will be funded from the Housing Revenue Account Capital Projects Budget Code: A2847 Task 18.0.
<b>Relevant OSC:</b>	Overview and Scrutiny Board
<b>Is this decision exempt from being called-in?</b>	Yes it is exempt, as it is a Non-Key Decision by a member of staff

### 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

This report seeks approval to commence a tendering process for a general building contractor, to carry out window replacement and ancillary works at Dryden and Kipling Towers.

### AUTHORITY UNDER WHICH DECISION IS MADE

Power to authorise this tender process is delegated to members of the Senior Leadership Team under Part 3 [Responsibility for Functions], paragraph 3.3 of the Council's Constitution as follows:

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

##### Contract powers

- (a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.

### STATEMENT OF THE REASONS FOR THE DECISION

1. This report is seeking approval go out to tender for a contract for window replacement and ancillary works at Kipling and Dryden Towers which are housing blocks in Havering.
2. The original Crittall windows in these blocks were last replaced in 1993 with 1st generation powder-coated aluminium windows. The life span for an aluminium window is 30 years, meaning they are still within their expected life (4 more years remaining).
3. Following incidents earlier this year where windows were reported falling from a height within Dryden & Kipling Towers, and complaints from residents about the conditions of the blocks, the decision was taken to inspect & repair all windows and to ensure there are no defects that may result in incidents like this happening again. All immediate health and safety concerns have been addressed.
4. The inspections highlighted a number of repair issues relating to worn hinges, missing restrictors, missing handles etc. that need to be resolved in order to prolong the life of these windows. Rather than spending money on maintenance to repair and/or extend the life of the existing windows for a short period, it was decided it will be more cost effective to bring forward the next full window replacement programme at these two tower blocks.
5. The following ancillary works are also required at Kipling and Dryden Towers. These can be carried out at the same time as the window renewal, utilising the same scaffolding and access arrangements:
  - asphalt repairs on the balconies
  - repairs of bird netting
  - brick and concrete repairs
  - external decorations
6. The contractor needs to be a general building contractor, with responsibility for procuring the windows, to our specification, and coordinating the window renewal with the ancillary works. Access scaffolding can therefore be erected and the ancillary works commenced on site whilst the windows are in manufacture.
7. The original budget estimate of £600,000.00 was for the windows only. The estimated costs of the recommended for ancillary works is £500,000. Additional preliminaries and extended access costs for the ancillary works is £100,000. Total estimated cost of the project is therefore £1,200,000.

8. The new windows will have reduced maintenance costs. There will also be better fuel saving for residents when we use energy-saving windows like PVC-u. We will also make savings by carrying out the ancillary works (which are necessary now or very soon) at the same time as the window replacement works.
9. Performance of the contract will be managed and monitored throughout the project by the Programme Delivery Project Surveyor.
10. It is anticipated that the winning contractor will commence the works on the 26<sup>th</sup> March 2020, however, this is subject to approval of this report, the outcome of the proposed procurement process and the leaseholder consultation process. The works are expected to last for approximately four months.
11. Tenants and leaseholders within the blocks will be consulted throughout this project as appropriate.
12. We would require the contractor to provide additional social value aimed at increasing job and training opportunities, and improving the local supply chain. However the scope for this is quite limited given that the estimated duration of the contract is only four months.

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

Use of frameworks was discounted because S20 consultation with leaseholders is required. Leaseholders must be allowed to nominate a contractor to take part in the tendering process – this is incompatible with most frameworks which only permit tendering amongst framework members.

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

Building Control and Planning will be consulted. The Home Ownership Team in Housing Services have been advised on leasehold s.20 consultation; Housing Maintenance have been consulted regarding the specification.

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

Name: Ade Oshinmi  
Designation: Capital Delivery Surveyor

Signature:



Date: 11th December 2019

#### **BACKGROUND PAPERS**

None

### LEGAL IMPLICATIONS AND RISKS

1. The Housing Revenue Account (HRA) specifically accounts for spending and income relating to the management and maintenance of council-owned housing stock. The proposed works relate to properties owned or managed through the HRA as set out in the section 74 of the Local Government and Housing Act 1989.
2. The Council is a local authority and a best value authority with duties and powers to make arrangements to secure continuous improvement in the way it exercises its functions, pursuant to Part I of the Local Government Act 1999. 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 matters set out in this report are in accordance with these powers.
3. The Council, as a landlord under section 30 of the Landlord and Tenant Act 1985, has a duty to consult leaseholders under section 20 of the same Act (as amended by section 151 of the Commonhold and Leasehold Reform Act 2002) and Part 2, Schedule 4 of the Service Charges (Consultation Requirements) (England) Regulations 2003. The Council is required to give notice of its intention to carry out the qualifying works to each leaseholder who will be asked to contribute to the works through their service charge; and to have regard to any observations submitted.
4. Under paragraph 3.3 (Powers of Members of Senior Leadership Team) of Part 3 [Responsibility for Functions] of the Council's Constitution, members of the Senior Leadership Team (SLT) Director) have delegated authority to approve commencement of a tendering process for all contracts above a total contract value of £500,000.
5. The proposed contract value is below the EU threshold for Works contracts (currently £4,551,413) and accordingly does not fall within the full rigours of the Public Contracts Regulations 2015. The procurement exercise needed only to comply with the treaty principles of equal treatment, non-discrimination and transparency and the Council's Contract Procedure Rules (CPR). For procurements valued over £500,000 up the EU threshold officers are required to select and invite to tender a minimum of seven organisations from Constructionline.
6. The Local Government Act 1999, requires the Council to make arrangements to achieve best value in the exercise of its functions. In satisfaction of this requirement, and in accordance with CPR 18.4, tenders were evaluated against a pre-determined best price-quality ratio of 70% cost and 30% quality. The details of the evaluation compliance with the CPR are set out with the body of this report. Officers are content that the successful bid represents the most economically advantageous tender for the Council overall.
7. In awarding the contract, officers 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. Legal officers are available to assist the client department in finalising the terms and conditions of the proposed JCT contract.

### **FINANCIAL IMPLICATIONS AND RISKS**

To confirm the funding arrangements for this project:

£600K available in 2019/20 under the communal windows project code A2847, Task 18.0  
£775k requested in the budget setting report for 2020/21 between windows and communal windows, budget codes A2847 Task 6.0 (£500k) and A2847, Task 18.0 (£275k)

The project would not be starting until April 2020, we should have full funding in place before anything commences. However if finance require full budget to be shown in Oracle before they agree to let the contract, adjustments can be made within our current programme: For example there is £700k unallocated in Fire Doors or £9.8m available in Estate Improvements.

### **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.

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

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

**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**

**Details of decision maker**

Signed 

Name: Patrick Odling-Smee

Cabinet Portfolio held:  
CMT Member title: Patrick Odling-Smee  
Head of Service title: Director of Housing  
Other manager title:

Date: 8/1/20

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 10/1/2020

Signed 