



Notice of Non-key Executive Decision

Subject Heading:	Permission to procure Phase 2 Minor Works Estate Improvement Programme including the internal and external refurbishment of 5 estates to the North of the Borough.
Cabinet Member:	Councillor Joshua Chapman
SLT Lead:	Patrick Odling-Smee – Director of Housing
Report Author and contact details:	Christian McAniskey – Programme Delivery Project Surveyor Tel: 01708 431 235 Email: Christian.Mcaniskey@havering.gov.uk
Policy context:	This executive decision is required to provide permission to go out to competitive tender for a contract to undertake internal and external refurbishment works to 5 estates in the North of the Borough under the 2019/20 Estate Improvement Programme.
Financial summary:	The anticipated contract cost is £490,000.00 which will be funded from the Housing Revenue Account Capital Projects Budget Code: A3050 Task 1.0
Relevant OSC:	Overview and Scrutiny Board
Is this decision exempt from being called-in?	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
Places making Havering
Opportunities making Havering
Connections making Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This executive decision seeks approval to commence a tendering process for a contract to undertake internal and external refurbishment works to 5 estates in the North of the Borough under the 2019/20 Estate Improvement Programme (Phase 2).

We are seeking permission to undertake two phases of minor works which will be separated from the main Estate Improvement Major Works Programme which is being delivered in partnership with our consultant Baily Garner. We have broken these two projects down into geographical areas within North (Phase 2 & South (Phase 1). The reason for this is due to all estates in each area are within a short distance from each other and the successful contractor will have one welfare facility and site compound to cover each of the projects. This report seeks authority to procure for Phase 2 North only.

The pre-tender estimates, specification and scope of works to the North of the Borough have now been completed and we are now in a position to go out to competitive tender.

The proposed estates including blocks are as follows:

Estate 1 Dagnam Park

BLK's: 14-44 Stratton Road

Estate 2 Chelmsford Avenue

BLK's: Chelmsford Avenue and Galleywood Crescent

Estate 3 Brentwood Road/South Street

BLK's: Tolbut Court

Estate 4 Rush Green

BLK's: 172-226 Rush Green Road

Estate 5 White Hart Lane

BLK's to the east of White Hart Lane

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 [**Responsibility for Functions**], Section 3.4 Powers of Second Tier Managers;
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

1. Housing Services have identified five estates to the North of the borough that require internal and external refurbishment works. These estates are part of the Estate Improvement Programme and have been identified through Stock Condition Surveys conducted by our Asset Management Team which has been validated by the Programme Delivery Project Surveyor.
2. Following our recent Resident and Leasehold Estate Improvement consultations and liaison with our Technical Consultant Baily Garner, five estates to the North of the Borough have been identified as requiring internal & external refurbishment works. The LBH Project Surveyor has identified areas of work within the Estate Improvement Programme that do not have any Planning and Design implications which may impact on the delivery of the project. Therefore, to ensure continuity in the programme and to expedite the works whilst the main contract is being designed in conjunction with LBH Planning and Refuse, we are proposing to tender these works separately.
3. The works will improve the welfare of the Council's residents, reduce the need for Cyclical/Responsive repair works to their homes and increase the useable life of the Council's Housing Stock. In turn, this should increase the potential for a longer period of rental income from those homes.
4. All works will comply with current Building & Fire Safety Regulations.
5. We have consulted with the New Business Team on all the above properties and they have confirmed that this work does not affect the Regeneration Programme.
6. We are proposing to procure this contract via the Capital E-sourcing Procurement System through a single stage tender using approved contractors listed on Construction line. Financial checks will be undertaken prior to advertising the contract to ensure the proposed bidders are financially viable for this project. The quality/price threshold is proposed to be 70% Price 30% quality in line with Havering Councils Corporate Procurement Guidelines.
7. The pre-tender estimate for the works is £490,000.00 and as such, this procurement falls below the threshold for works which have to be conducted in accordance with European legal requirements and the Public Contracts Regulations 2015. The procurement process will however be in accordance with the Council's Contracts Procedure Rules.
8. A consultation process will be required to the blocks prior to commencement of the work. This will be undertaken by the Programme Delivery Team.
9. Performance of the contract will be managed and monitored throughout the project by the Programme Delivery Project Surveyor.
10. The Programme Delivery Manager in Housing Services is authorised to start a procurement process in order to source a suitably competent contractor to undertake this work. This Non-Key Executive Decision is seeking authority to procure the works only and not to award the contract.
11. It is anticipated that works will commence on the 26th February 2020.

OTHER OPTIONS CONSIDERED AND REJECTED

Tendering this work through an Open tender process: Rejected on the grounds that the work is specialist in nature and the quality of contractors must be assured.

PRE-DECISION CONSULTATION

Building Regulation Notices will be applied for and strictly adhered to.

Fire Safety Regulations will be applied and strictly adhered to.

All affected residents will be consulted regarding the impact of the works.

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

Name: Mark Howard

Designation: Programme Delivery Manager

Signature:



Date: 31st January 2019

BACKGROUND PAPERS

None

Part B - Assessment of implications and risks

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. Under paragraph 3.4 (Powers of Second Tier Managers) of Part 3 [Responsibility for Functions] of the Council's Constitution, Second Tier Managers have delegated authority to approve commencement of a tendering process for all contracts above a total contract value of £500,000.
4. 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 five organisations from Constructionline.
5. 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.
6. 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 contract.

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 £490,000.00, which will be funded from HRA capital resources Project Code: A3050 Task 1.0 This figure will be confirmed and the contracts awarded via a separate Executive 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.

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

Proposal agreed

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:

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 5/2/2020

Signed 

