

Notice of Non-key Executive Decision

Subject Heading:	Authority to Commence a Tendering Process for Roof Replacements at Branfil Primary School, Clockhouse Primary School, Engayne Primary School, Harold Court Primary School, Hilldene Primary School, James Oglethorpe Primary, Parsonage Farm Primary, Parkland, Infants School, Squirrels Primary School and Towers Infants School
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Childrens and Families and Deputy Leader of the Council
SLT Lead:	Robert South - Director of Children's Services
Report Author and contact details:	Ian Saxby – Head of Technical Services Telephone: 01708 433529 Email: ian.Saxby@onesource.co.uk
Policy context:	Supports educational outcomes within the broader opportunities context of the Havering Vision
Financial summary:	Havering LA are responsible for maintaining school buildings therefore an approved budget of £1,220,000 has been set aside from the LA School Condition Allocations (SCA) It is anticipated that the works being tendered will be contained within the allocated budget.
Relevant OSC:	Children & Learning Overview and Scrutiny Committee
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

That the Technical Director approves the commencement of a tendering process for a works contract, at an estimated contract sum of £1.062million, for a period of 12 weeks, with an estimated start date in April 2020. The works relate to flat roof replacements to Branfil Primary School, Clockhouse Primary School, Engayne Primary School, Harold Court Primary School, Hilldene Primary School, James Oglethorpe Primary, Parsonage Farm Primary, Parkland Infants School, Squirrels Primary School and Towers Infants School. The proposed form of contract to be a two stage JCT Design and Build Contract 2016, with the Council's Supplemental Amendments.

AUTHORITY UNDER WHICH DECISION IS MADE

Constitution rule 3.4(a) Powers of Second Tier Managers
Contract powers to approve the commencement of a tendering process.

STATEMENT OF THE REASONS FOR THE DECISION

Havering LA are responsible for maintaining school buildings therefore an approved budget of £1,220,000 has been set aside from the LA School Condition Allocations (SCA) 2020/21.

The existing flat roof areas at these schools have been surveyed and it has been established that they are now beyond their service life and require replacement.

It is proposed that these works will be tendered via the LHC Flat Roofing (FR2) Framework Agreement. This approach has been agreed with Corporate Procurement. It is proposed to tender these works using a JCT Design and Build Contract 2016 (DB).

It is proposed that these works will be completed by the end of the financial year 2020/21

OTHER OPTIONS CONSIDERED AND REJECTED

The option to tender the works via Constructionline was considered, but rejected as a suitable established framework agreement is in place.

E-Auctions have been considered and rejected.

Doing nothing would lead to the Council failing in its statutory obligations to provide school places within the Borough.

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

Name: Ian Saxby
Designation: Head of Technical Services

Signature:



Date: 25th February 2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has a duty under Sections 13, 13A and 14 of the Education Act 1996 to ensure that efficient primary, secondary and further education is available to meet the needs of its population. Technical Services seek to procure these Works in accordance with this duty.
2. The proposed contract value is below the EU threshold for Works contracts and accordingly, the Council is not under an obligation to publish a Contract Notice in the OJEU. However, the procurement must comply with the EU Treaty principles of equal treatment, non-discrimination and transparency as well as the Council's Contract Procedure Rules.
3. The procurement process followed by the Council has already been set out in the body of this report. It is proposed that these works will be tendered via the LHC Flat Roofing (FR2) Framework Agreement. This approach has been agreed with Corporate Procurement. It is proposed to tender these works using a JCT Design and Build Contract 2016 (DB).
4. Furthermore, the Local Government Act 1999, requires the Council to make arrangements to achieve best value in the exercise of its functions, which includes the works contained in the proposed procurement. While conducting the procurement and evaluating the bids, officers must satisfy themselves that the procurement process is in accordance with this principle.
5. Upon award, the contract will incorporate the JCT Single Stage Design and Build Contract 2016. The contract will be sealed in accordance with rule 17.1 of the Havering Contract Procedure Rules.

FINANCIAL IMPLICATIONS AND RISKS

Estimated Costs and Funding is set out below:

Contract Sum	£ 1,062,000
Professional Fees	118,000
Contingency	40,000
Total Costs	1,220,000
Total Funding (including £40,000 project contingency)	1,220,000

Havering LA are responsible for maintaining school buildings therefore an approved budget of £1,220,000 has been set aside from the 2020/21 LA School Condition Allocations (SCA). It is anticipated that the works being tendered will be contained within the allocated budget.

There is a risk that the tender results will exceed estimations. A separate Key Executive Decision will be submitted at award of tender with detailed tender costs.

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the construction process. Any small issues arising can be funded from the project contingency.

As with all contracts there is a risk to contractor delivery/continued operation. However the contractor selection process has partly mitigated this risk, along with careful project management in the future.

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

There are no Human Resources implications associated with this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

There are no Equalities and Social Inclusion implications associated with this decision.

BACKGROUND PAPERS

None

Non-key Executive Decision

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 – OneSource

Date: 25th February 2020

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 28/2/2020

Signed [Signature]

