

Notice of Non-key Executive Decision (Waiver)

Subject Heading:	Authority to Commence a Tendering Process for Flat 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 and Towers Infants School using the LCH Flat Roofing (FR2) Framework Agreement
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"/>

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:

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. In order to procure these works via the LHC Flat Roofing (FR2) Framework Agreement, the Lead Member for Education will need to waive sections 13.1 and 13.4 of the current CPR's.
5. 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.
6. 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.

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



Name: Councillor Robert Benham

Position: Cabinet Member for Education, Childrens and Families and Deputy Leader of the Council

Date: 28/2/2020

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



