

Notice of Non-key Executive Decision

Subject Heading:	Lift Replacement Programme at Petra Estate (Overstrand House, Parkview House & Uphavering House) - authorisation to go out to tender
Cabinet Member:	Cllr Joshua Chapman - Cabinet Member for Housing
SLT Lead:	Patrick Odling-Smee – Director of Housing Services
Report Author and contact details:	Ade Oshinmi Tel: 01708 431 233 Email: Ade.Oshinmi@havering.gov.uk
Policy context:	This project comprises replacement of existing lift equipment with new passenger & fire fighting lifts, removal of existing redundant equipment and installation of new electrical services.
Financial summary:	The estimated contract value is £1,400,000, which will be funded from HRA Resources.
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	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

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Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This report seeks approval to commence a tendering process for a contract for lift replacement programme works at Petra Estate.

AUTHORITY UNDER WHICH DECISION IS MADE

Power to authorise this tender process is delegated to members of Senior Leadership 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 to go out to tender for a contract for lift refurbishment and associated works at Overstrand House, Parkview House and Uphaving House which are council-owned housing blocks on the Petra Estate in Havering.
2. The original 6 lifts were installed in 1983 (and so are over 30 years old). Assessments of these lifts have highlighted a number of repair or replacement issues. The controllers were last replaced in 2006 suggesting components are no longer available, and should be replaced in their entirety to bring them line with all current regulations. Other replacement parts too may no longer be available. This scheme will ensure the correct and safe operation of lifts to these council-owned housing blocks.
3. Our fire safety officer has also advised changing one of the lifts in each block to a fire fighting lift. There are two lifts in each block, both of which serve the basement and ground floor, but above this level they serve alternate floors. As part of the refurbishment of the lifts it is proposed to turn one of the lifts into a fire fighting lift which will require that it serves all floors. This in turn will require the formation of new openings in the existing lift shaft walls.
4. Additionally, the existing openings will need to be made taller to accommodate new doors to the lifts. It was decided therefore that it will be cost effective to bring forward the lift refurbishment / replacement Programme at these three blocks.
5. In order to deliver this project effectively, structural engineers (GDC Partnership) were commissioned to work on a structural assessment of the lift shafts and buildings. They were able to determine precisely how we can accommodate the new lifts. Our lift

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consultant (PCM) has also been assisting the Programme Delivery Project Surveyor with the technical aspects of the tendering process, quality control and overall delivery of the programme

6. Tenants and leaseholders within the blocks will be consulted throughout this project as appropriate. The procurement process will be via a mini tender where seven suitable companies selected from Constructionline will be invited to bid. Due to the complexity and risks relating to this particular project, we will evaluate tenders with 60% of the available marks for price and the remaining 40% for quality.
7. This complexity also requires that the contractor performing these works must have structural engineering expertise as well as lift installation expertise.

Release of invitation to tender	18/05/2020
Tender submission deadline	22/06/2020
Evaluation of Tender Returns	06/07/2020
Leaseholder consultation	03/09/2020
Contract Start	28/09/2020
Practical Completion	31/08/2021

The estimated costs of the recommended works are £1,400,000

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 has been advised on leasehold s.20 consultation; Housing Maintenance has been consulted regarding the specification.

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

Name: Ade Oshinmi

Designation: Capital Projects Surveyor

Signature:

A handwritten signature in blue ink, appearing to be 'Ade Oshinmi', written over a horizontal line.

Date: 17/02/2020

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. 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 needs 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. 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.

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The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7. Legal officers are available to assist the client department in finalising the terms and conditions of the proposed JCT 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 £1,400,000, which will be funded from HRA resources, Project Code: A2847, Task 9.0. and A3586. This figure will be confirmed and the contract awarded via a separate Executive Decision.

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.

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.

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

~~Proposal NOT agreed because~~

Details of decision maker

A handwritten signature in black ink that reads "Patrick Odling-Smee". The signature is written in a cursive style with a period at the end.

Signed:

Name: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title: Director of Housing

Head of Service title:

Other manager title:

Date: 12th May 2020

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

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This notice was lodged with me on _____

Signed _____