

Notice of Non-key Executive Decision

Subject Heading:	Authorisation to award a contract to Breyer Group PLC for roof replacements at Branfil Primary School, Clockhouse Primary School, Engayne Primary School, Harold Court Primary School, Hildene Primary School, James Oglethorpe Primary, Parsonage Farm Primary, Parkland, Infants School and Towers Infants School.
Cabinet Member:	Councillor Robert Benham – Cabinet Member for Education, Children’s 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:	The Council has set aside an approved budget of £1,120,000 for roof replacements at the above schools from the schools and education conditions 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

Authorisation to award a construction contract to Breyer Group PLC in the sum of £929,986.83 for the said works.

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:

Contract Powers

(b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procedure Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

The Council receives an annual DfE maintenance grant which is ring-fenced to expenditure on maintenance priorities within the schools portfolio. The 2020/21 grant is in the sum of £2,070,848 and was referenced within the budget-setting report submitted to Cabinet/Council in March 2020

The existing flat roof areas 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 and Towers Infants School have been surveyed and it has been established that they are beyond their service life and require replacement.

These works have been tendered via the LHC Flat Roofing (FR2) Framework Agreement. This approach has been agreed with Corporate Procurement using a JCT Design and Build Contract 2016 (DB). It is proposed that these works will be completed by the end of 2020/21 financial year.

OTHER OPTIONS CONSIDERED AND REJECTED

The option to tender the works via construction line was considered but was rejected as there was a suitable established framework agreement available and it was considered better value for money to adopt the chosen route.

Procurement

An expression of interest was sent to all contractors on the LHC framework and 3 contractors responded and were invited to tender on the basis of a JCT Design and Build Contract 2016 with amendments. 3 contractors returned tenders however one contractor chose to withdraw their tender because of errors within their pricing document. The remaining contractors have been assessed on a quality/cost basis as follows:

Cost (£)	Quality	Cost	Total
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Breyer Group PLC	929,987	87	100	92.85
Contractor B	1,005,480	74	92.49	82.3

The tender submitted by Breyer Group PLC is considered competitive and bona fide and is therefore recommended for approval.

Due to the lower numbers of tenders returned, the Head of Procurement was contacted. As the tender returns were significantly lower than the pre-tender estimates and the budgeted costs and were close in value the tenders obtained are deemed to provide value for money. This was confirmed in writing by the Head of Procurement.

PRE-DECISION CONSULTATION

Consultation has taken place with the schools and corporate procurement team.

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 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, including the matters set out in this report.
2. 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 the award all contracts with a total contract value of between £500,000 and £5,000,000.
3. The proposed contract value is under the EU threshold for works contracts (currently £4,551,413) and accordingly is not subject to the full rigours of the Public Contracts Regulations (PCR) 2015. The Local Government Act 1999, requires the Council to make arrangements to achieve best value in the exercise of its functions. Officers intend to call-off the contract from an OJEU compliant framework under which the Council is part of an identifiable group cited in the published contract notice. Use of the LHC framework was authorised by a waiver, in line with the

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Contracts Procedure Rules (CPR) 13. The framework satisfies the PCR 2015 requirement for genuine competition; and exempts officers, under CPR 18.5(i), from having to evaluate tenders against the pre-determined best price-quality evaluation basis.

4. Legal officers are available to assist the client department in finalising the terms and conditions of the proposed contract.

FINANCIAL IMPLICATIONS AND RISKS

Breakdown of costs

Works (Contract award)	£929,986.23
Fees, charges and surveys	£139,497.93
Contingency	£50,515.84
Total Costs	£1,120,000

The following items have approved funding within the capital programme:

A3521	Branfil	£100,000
A3522	Clockhouse	£80,000
A3525	Engayne	£130,000
A3527	Harold Court	£250,000
A3529	Hildene	£180,000
A3533	James Oglethorpe	£60,000
A3540	Parklands Infant	£80,000
A3541	Parsonage Farm	£100,000
A3546	Towers Infants	£140,000
Total funding		£1,120,000

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the build process, however given the size of the works, and previous experience of the contractor any significant overspend is unlikely. Any small issues arising can be funded from the remaining balance of £50,515.84

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

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

There are no implications associated with this decision.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

These proposals do not have any equalities and social impact implications and risks.

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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, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, sexual orientation.

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.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

There are no implications associated with this decision.

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

Details of decision maker

Signed

Name: Robert South
Director of Children's Services

Date:

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 _____

Signed _____