

Notice of Non-key Executive Decision

Subject Heading:	Refurbishment - 38 Regarth Avenue.
Cabinet Member:	Councillor Joshua Chapman Lead Member, for Housing.
SLT Lead:	Patrick Odling-Smee
Report Author and contact details:	Mark Howard, Programme Delivery Manager, Housing Services Email: mark.howard@havering.gov.uk Tel: 01708 434704
Policy context:	Supports the outcomes within the London Borough of Havering's Corporate plan. Places. Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe
Financial summary:	The estimated contract value is £89,000 This will be funded from 2021/22 HRA budget C39030
Relevant OSC:	Towns and Communities Scrutiny Board
Is this decision exempt from being called-in?	Yes – it is a non-key decision by a member of staff

Non-key Executive Decision

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"/>

Place an X in the [] as appropriate

Non-key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Authorisation is sought to commence a procurement process in order to source a suitably competent contractor to undertake the refurbishment of 38 Regarth Avenue, Romford, with an estimated commencement date of January 2022 and a value of £89,000

AUTHORITY UNDER WHICH DECISION IS MADE

Powers of Members of the Senior Leadership Team under Part 3, Paragraph 3.3 of the Council's Constitution:

‘Contract powers

(a) To approve commencement of a tendering process for all contracts above a total contract value of £500,000.’

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STATEMENT OF THE REASONS FOR THE DECISION

1. Housing Services have identified via our Asset Management System a property suitable to aid in housing the homeless. The property is in the Housing Revenue Account but was formally used as an office by Help the Aged, and will now be brought back into use as family accommodation
2. The Contract will be procured via the Fusion Procurement Portal by inviting 5 contractors to tender for the works with a pre-tender estimate of £89,000.00, with the Contract awarded on a 70/30 quality/price ratio. It is proposed that the JCT Minor Works contract is used.
3. All works will comply with current Planning, Building & Fire Safety Regulations and the Contractor will be required to provide additional social value aimed at improving the local supply chain.
4. The contractor will be required to provide additional social value aimed at increasing and improving the local supply chain.
5. Performance of the contract will be managed and monitored throughout the project by the Programme Delivery Project Surveyor and the Clerk of Works.
6. Minimum standards for sub-contractors will be introduced by the Council in order to improve the quality of the supply chain and the key service and quality requirements will be closely monitored throughout the duration of the contract by the Council's Clerk of Works.
7. The Council considers that the procurement achieves best value in a competitive market by procuring in accordance with the Council's Contract Procedure Rules.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1: Do Nothing

Rejected on the grounds that affordable housing is required in the borough and this property is currently empty and not receiving rent.

Option 2: Procure through a Framework

Rejected on the grounds that value for money will be achieved through a restricted competition, inviting five tenderers who are on ConstructionLine and that the use of a framework for a low value procurement is unnecessarily cumbersome.

Option 3 – Sell the Property

Rejected on the grounds that in its current state it will not attract offers representative of its true value, and affordable housing is required

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PRE-DECISION CONSULTATION

No legally required consultation is necessary.

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

Name: Mark Arch

Designation: Programme Delivery Project Surveyor

Signature: *Mark Arch*

Date: 19/10/2021

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. 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 contract may be procured in accordance with these powers.
2. The proposed contract value is below the procurement threshold for Works contracts and accordingly, the Council is not under an obligation to publish a Contract Notice in Find a Tender. However, the procurement must comply with the procurement principles of equal treatment, non-discrimination and transparency as well as the Council's Contract Procedure Rules (CPR).
3. The CPR require that all works Contracts with a value between £25,000.00 and £99,999.00 be procured by either undertaking a tender process or obtaining three quotations.
4. The Local Authority has a fiduciary and best value duty to safeguard its resources. Undertaking a tender exercise in line with the principles set out in the Public Contract Regulations 2015, and the Council's Contract Procedure Rules ensures compliance with these duties.

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 work will cost in the region of £89,000, which will be funded from HRA resources, Project Code: C39030. 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.

TUPE (Transfer of Undertakings (Protection of Employment) Regulations) will not apply as there will be no transferring staff.

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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.

The procurement process will be carried out in accordance with the Council's Contract Procurement Rules. The proposed contractor will be expected to comply with the Council's policies with regards to the promotion of equality and diversity in service delivery and employment practice.

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: Patrick Odling-Smee

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 02/11/21

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 _____

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