

Notice of Non-key Executive Decision

Appendix 1 of this Executive Decision is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to the financial or business affairs of any particular person (including the authority holding that information), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Loft space fire barriers at sheltered schemes
Decision Maker:	Patrick Odling-Smee
Cabinet Member:	Councillor Paul McGeary - Lead Member for Housing
SLT Lead:	Patrick Odling-Smee Patrick.Odling-Smee@havering.gov.uk Director of Housing Services
Report Author and contact details:	James Johnson – Senior Project Manager James.johnson@havering.gov.uk 07773 585731
Policy context:	Supports the outcomes within the London Borough of Havering's Corporate Plan. <u>Places</u> Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe.

Non-key Executive Decision – Part Exempt Report

Financial summary:	The contract value is £143,486.76 which will be funded from the Housing Revenue Account capital programme
Relevant OSC:	Places OSSC
Is this decision exempt from being called-in?	Yes, this is exempt, it is a Non Key decision by a member of staff.

Non-key Executive Decision – Part Exempt Report

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"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To agree to award a contract to install fire barriers in the loft spaces of three sheltered schemes, Garrick House, Holsworthy House and Thomas Simms Court with a value of £143,486.76 to Harmony Fire Ltd, as set out in this report.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 Responsibility for Functions of the Council's Constitution

Para 3.3 Powers of Members of the Senior Leadership Team

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 project comprises works to install fire barriers within the roof spaces of Garrick House, Holsworthy House and Thomas Simms Court, which are three sheltered housing blocks.

The need for this work was identified in Fire Risk Assessments (FRA) commissioned by the Housing Services department. The assessments highlighted risks presented by the lack of fire barriers. These risks are currently being mitigated by the presence of a Waking Watch at significant cost to the Council.

The pre-tender estimated budget for the works was £300,000 including provisional sums, contingency, fees and other fees.

The contractors were informed within the tender documents that the tenders would be evaluated on a price and quality criteria, whereby quality would be scored out of 30 marks and price would be scored out of 70 marks. Details of the evaluation criteria were contained in the invitation to tender.

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The proposed contract will include benefits to the Council's housing blocks and will deliver social values to Havering Residents by improving residential safety for the elderly.

Eight contractors were selected from Constructionline for the tender process and invitations were issued to them on 6th September 2022. Four compliant tenders were received by the deadline of 23rd September 2022.

The full results of the tender evaluation process are attached as Exempt Appendix 1.

The scores received by each tenderer are set out below.

<i>Combined price and quality scores</i>	Contractor A	Contractor B	Harmony	Contractor D
Price - £	£243,254.97	£145,036.80	£143,486.76	£201,245.00
Price	41%	69%	70%	50%
Quality	18%	24%	28%	12%
TOTAL	59%	93%	98%	62%

Harmony Fire Ltd was ranked first on price and first on quality and therefore the recommendation is that the contract, in the sum of £143,486.76, be awarded to them.

The form of contract to be used will be the JCT Minor works with Contractor's Design 2016. It is estimated that the works will be completed within 8 weeks of commencement.

It is recommended to award the contract to Harmony Fire Ltd as it is considered to represent best value for money.

Delivering Council Policy and Priorities

The works will ensure that the risks identified in the last Fire Risk Assessment are reduced to an acceptable level. This will enable the risk mitigation measure, in the form of a waking watch, to be removed. Undertaking the works will improve the safety of the accommodation and being able to remove the waking watch will reduce the cost of managing the block quite significantly.

OTHER OPTIONS CONSIDERED AND REJECTED

The works are not that high in value, so doing nothing was not worthy of consideration and thus "Do nothing" was not an option due to the risks it presented.

There is no other option other than to undertake the works quickly as there is currently a 24-hour waking watch service being provided at the three schemes to mitigate the high risk on a short-term basis. This alerts and assists residents in the event of a fire alarm activation. The continuation of it bears financial, as well as reputational, cost for the Council. Swift approval is therefore sought.

There are no suitable frameworks available for this proposed works contract. The works are specialist in nature, the specification is bespoke to the requirements of the

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specific buildings concerned. The price could only be determined by drafting a bespoke specification and seeking tenders from suitable contractors in the market.

PRE-DECISION CONSULTATION

This project was raised on I-Decision 20th October 2022.

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

Name: James Johnson

Designation: Senior Project Manager

Signature: *J R Johnson*

Date: 21/11/2022

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council has legal obligations as an employer and landlord to undertake a Fire Risk Assessment and ensure the building is safe.
2. The Council has power to enter into the contract under s111 of the Local Government Act 1972 which permits the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The work that has been tendered is proposed to be undertaken in pursuance of these obligations.
3. The Council also has power to enter into the contract under the general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.
4. The proposed contract value is below the applicable Public Procurement threshold for Works contracts (£5,336,937) stipulated in the Public Contracts Regulations 2015 as amended ("PCR"). Therefore, the procurement process was not subject to the full PCR regime.
5. Whilst the procurement does not fall to be considered under the full PCR regime, when considering whether to approve the award of the contract, the Council must comply with procurement, evaluating and awarding requirements of the Council's Contract Procedure Rules, unless waived.
6. A competitive procurement procedure has been conducted in accordance with the Council's Contract Procedure Rules.
7. For the reasons set out above, the Council may award the contract to the successful bidder.

FINANCIAL IMPLICATIONS AND RISKS

The total cost of the contract is £143,486.76. This will be funded from the Housing Revenue Account Capital Programme - Project Code C38740 Task 7.0.

Cost Avoidance

The award of this contract will remove the need for the Waking Watch and help the Council to keep the stock in good order. Failure to undertake this work will mean ongoing costs to the Council associated with the Waking Watch.

Financial Stability

A financial check has been carried out on Harmony Fire Ltd using Experian, as required by the Contract Procedure Rules and they are classed as "Very Low Risk" risk.

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

The recommendation made in this report does 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.

The procurement process has been 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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The tenderers were all required to have ISO 14001 Environmental Management accreditation. This will ensure that the environmental impact of the works is assessed and managed effectively to minimise adverse effects.

BACKGROUND PAPERS

Fire risk assessment reports dated 2021

APPENDICES

Appendix 1 Tender Evaluation Report (Exempt)

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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: 21/11/22

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____