



## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Gutter cleaning contract
<b>Decision Maker:</b>	Patrick Odling-Smee
<b>Cabinet Member:</b>	Councillor Paul McGeary - Lead Member for Housing
<b>SLT Lead:</b>	Patrick Odling-Smee – Director of Housing Services
<b>Report Author and contact details:</b>	James Wallis, Project manager, Housing services – 07714648301. <a href="mailto:James.wallis@havering.gov.uk">James.wallis@havering.gov.uk</a>
<b>Policy context:</b>	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
<b>Financial summary:</b>	The total cost of the contract is £1,306.030.00 over a 6 (3+3) year period and will be funded from Housing Revenue Account A29280
<b>Reason decision is Key</b>	Expenditure being £1,306.030.00
<b>Date notice given of intended decision:</b>	28 <sup>th</sup> October 2022

**Key Executive Decision**

<b>Relevant OSC:</b>	<b>Places</b>
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	No

**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 and enter into a services contract for a term of 3 years with an optional 3 year extension period with Super Gutter Vac Limited for the cleaning of gutters at a value of £1,306.030.00 to commence upon 6<sup>th</sup> March 2023.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

#### **3.3 Powers of Members of the Senior Leadership Team**

Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.

#### **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**

- Havering Property Services have decided to take a proactive approach to property maintenance and rainwater control which is a very important part of this maintenance. Our Guttering cleaning contract is to clear, clean and repair all rainwater goods on a proactive basis to all our residential Blocks over a 3-year basis whilst, also reporting on other important repairs and improvements that may not have been identified.
- Our aim is to take a proactive approach which in turn will reduce the more serious defects caused as a result of the defective rainwater control. Unresolved defects can lead to water ingress in our properties leading to damp and mould, acceleration or the deterioration of roof timbers and exterior decorations which in turn leads to more frequent re-active repairs and then more capital and revenue investment sooner than our asset plans allow for leading to a shortfall in funding. Our proactive approach will also help prevent damage to our resident's homes and belongings thus reducing claims such as disrepairs and councillor and ombudsman complaints thus improving the service we deliver.
- London Borough of Havering invited known local suppliers to apply to be enrolled on the Crown Commercial Services (CSS) Dynamic Purchasing System RM6130 (DPS) prior to publishing this opportunity. Due to extensive numbers of providers already on the DPS, we narrowed down our search by selecting the Greater London Geographic Area, resulting in a total of 27 providers on the DPS. Having given all providers a period of 2 weeks to register on the portal and upon approaching the market, there were 10 bidders who had registered on the Fusion platform and were able to bid.
- The Council received a single bid from Super Gutter Vac Limited which was deemed compliant and fit for purpose. Officers confirm that a benchmarking exercise was

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conducted at a preliminary stage to justify the value of the single bid received. The successful bidder is a genuine local company located in Romford area and is known to the supply chain as a gutter cleaning organisation that has worked with LBH previously.

- It is the recommendation that we award the Contract to Super Gutter Vac Limited. Details of the Tender evaluation are contained within Appendix 1.).

## **OTHER OPTIONS CONSIDERED AND REJECTED**

“Tendering this work through an open tender process”

This was rejected on the ground that the works are of a specialist nature and the quality of the contractors must be assured.

“Using existing contractor from other projects”

It was considered that delivering the above works through our repairs contractor Mears may be possible, however this was rejected as it is very specialised and Mears advised they do not have resources to deliver such a contract for Havering.

“Do Nothing”

We could do nothing; but this was rejected on the basis that the gutter cleaning contract will have huge benefits to preventing water ingress, damp and mould issues and insurance and dis-repair claims. Not completing this service would be a failure to deliver our promise to residents that we will provide decent, safe and high standard properties as per Havering's Vision plan.

## **PRE-DECISION CONSULTATION**

The date the Section 20 Part 2 schedule was issued to the leaseholders was on 8<sup>th</sup> November 2021 and ended on 22<sup>nd</sup> December 2021.

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

Name: James Wallis

Designation: Project manager

Signature: *j. wallis*

Date: 12-10-22

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

1. The Council is a housing authority and has power to procure and 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.
2. The Council also has power to procure the contracts 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.
3. The Council is a contracting authority for the purposes of the Public Contracts Regulations 2015 (PCR 2015). The value of the contract exceeds the PCR 2015 threshold. Procurement of the contract is therefore caught by the full regime of the PCR 2015 as well as, the Contract Procedure Rules of LBH.(Rule 8, 9.9) Officers have confirmed that procurement of the contract was in compliance with the requirements of the PCR 2015.
4. The successful and only tenderer was Super Gutter Vac Ltd. As set out in this report, officers have satisfied themselves that this bid, the only tender return, is acceptable to award the report.
5. For the reasons above, subject to having complied with Regulation 34 of the PCR and Council's Procedure Rules, the Council may award the contract to Super Gutter Vac Ltd.

### **FINANCIAL IMPLICATIONS AND RISKS**

The total cost of the contract is £1,306.030.00 over a 6 year period and will be funded from the Housing Revenue Account, A29280

#### **Cost Avoidance**

The award of this contract will help the Council to keep the stock in good order; clearly failure to keep the housing stock in serviceable condition could lead to further financial liabilities being incurred.

#### **Financial Stability**

As required by the Councils Contract Procedure Rules, a financial check has been carried out on the proposed contractor and they are classed as High Risk Contractor due to being a relatively new company with limited financial information. Having used Super Gutter Vac before, we know they are capable of delivering this service and we will mitigate the contract risk by paying them in arrears and Having contract management meetings on a more frequent basis

### **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.

## **Key Executive Decision**

### **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.

See Appendix 2 for the Equality and Health Impact Assessment

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

**Please see appendix 2**

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

Super Gutter Vac Limited is a local company who uses Euro 6 Vehicles whilst providing this unique guttering cleaning hoover system service. Delivering the work in this way will;

- Be faster, safer and reduces the impact on our residents.
- prevent flooding and water damage and leave site clean and tidy at all times.
- Remove the need for scaffolding which dramatically reduces Vehicle emissions, Labour and other supporting resources.
- Clear blocked gutters and reduce the risk of damages to our properties which in turn reduces the need for more maintenance and repairs thus, in the long term have a very positive environmental outcome.

### **BACKGROUND PAPERS**

None

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**APPENDICIES**

*Appendix 1 Tender Results and Recommendations.*

*Appendix 2 Equality and Health Impact Assessment*

**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

**Delete as applicable**

Proposal NOT agreed because

**Details of decision maker**

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

**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 \_\_\_\_\_