

Notice of Non-key Executive Decision

Subject Heading:	Authority to Commence a Tendering Process for Flat Roof Replacements at various primary school sites including Broadford Primary, Crownfield Junior, Newtons Primary, The R J Mitchell Primary and Whybridge Infant
Decision Maker:	Robert South - Director of Children's Services
Cabinet Member:	Councillor Oscar Ford – Cabinet Member for Children and Young People
SLT Lead:	Robert South - Director of Children's Services
Report Author and contact details:	Sally Shadrack Project Manager Schools Asset Management Telephone: 01708 434352 Email: sally.shadrack@onesource.co.uk
Policy context:	Supports educational outcomes within the broader opportunities context of the Havering Vision
Financial summary:	Havering LA are responsible for maintaining school buildings therefore an approved budget of £1,200,000 to be set aside from the LA Condition Allocations (SCA) It is anticipated that the works being tendered will be contained within the allocated budget.
Relevant OSC:	Children & Learning Overview and Scrutiny Committee
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place X

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons stated in this report, the Director of Children’s services is recommended:

To agree to the commencement of a tendering process for a works contract, for flat roof replacements to various maintained schools within London Borough of Havering, at an estimated contract sum of £1,200,000 for a period of 12 weeks, with an estimated start date of April 2023.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 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

Havering LA are responsible for maintaining school buildings, therefore an approved budget of £1,200,000 has been set aside from the LA School Condition Allocations (SCA) 2023/24.

The existing flat roof areas at various primary school sites Broadford Primary, Crownfield Junior, Newtons Primary, The R J Mitchell Primary and Whybridge Infant have been surveyed and it has been established that they are now beyond their service life and require replacement.

It is proposed that these works will be procured via the LHC Roofing Systems and Associated Works Traditional Flat Roofing Framework RS4. The proposed route being a direct selection of a roof system supplier with further competition between six London approved installation contractors. This framework provides direct access to specialist roofing system supplier and manufacturer whose roofing material ensures longer durability providing an increased life cycle with a 25 year guarantee thereby being more economical in the long run by needing to be replaced less frequently. The roof replacements will safeguard the existing school building structure and protect it from the elements ensuring the longevity of the existing facilities. Otherwise, there is a high risk that water ingress would disrupt the day to day running of schools and the ability to teach children if the current situation was not addressed. Also the framework provides access to local contractors thereby potentially benefiting the local employment and the local economy.

This approach has been agreed with Corporate Procurement and confirmation is required from Legal Services. It is proposed to tender these works using a JCT Design and Build Contract 2016 (DB).

It is proposed that these works will be completed within the financial year 2023/24.

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OTHER OPTIONS CONSIDERED AND REJECTED

The option to do nothing was considered and rejected as the roofs had reached the end of their life and some were leaking. If left, this could result in disruption to teaching and the running of the school.

The option to run a Constructionline tender was considered as part of the options appraisal but rejected as a suitable established framework agreement with direct award to a system supplier using approved installers. This guarantees the best quality roofing materials with installers continually monitored by the roof system supplier in order to issue the 25 year warranty.

E-Auctions have been considered and rejected.

PRE-DECISION CONSULTATION

The school was engaged on the current condition of its roof, the roof is now no longer sustainable or in working order. A condition survey was carried out which highlighted the requirement for the replacement of the roof.

In addition to the above, there is engagement with all schools within the overall annual maintenance programme.

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

Name: Sally Shadrack

Designation: Project Manager Schools Asset Management

Signature: S J Shadrack

Date:29.03.23

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Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to procure the works 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 Council is a Local Authority within the meaning of Section 579 of the Education Act 1996 as amended. Under Section 14 of the same Act the Council has a duty to ensure that there are, "sufficient schools for providing primary and secondary education in its area"; and sufficient in this context means in respect of "number, character and equipment to provide for all pupils the opportunity of appropriate education."

The Council also has a general power of competence under Section 1 of the Localism Act 2011 to do anything an individual can 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.

The proposed contract value of £1,200,000 is below the PCR threshold for Works contracts £5,336,937. Procurement of the contract is not caught by the full PCR regime but must comply with the PCR general principles of transparency, equality of treatment, non-discrimination and proportionality. The contract has been procured via The Roofing Systems and Associated Works framework (RS4), which is PCR compliant. The general principles are therefore met. The procurement must also comply with Havering Council's Contract Procedure rules.

Procurement of the contract must comply with the Council's Contract Procedure Rules 15.1, 18.5 (i) and 20.1.

Officer confirms that written approval has been obtained from the framework provider that the framework permits changes to the weighting outlined in the framework guide.

For the above reasons, the Council may commence the procurement for the works contract.

FINANCIAL IMPLICATIONS AND RISKS

Estimated Costs and Funding is set out below:

	£
Contract Sum	1,092,000
Professional Fees	60,000
Contingency	48,000
Total Costs	1,200,000
Total Funding (including £48,000 project contingency)	1,200,000

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Havering LA are responsible for maintaining school buildings therefore an approved budget of £1,200,000 is to be set aside from the 2023/24 LA School Condition Allocations (SCA). It is anticipated that the works being tendered will be contained within the allocated budget.

There is a risk that the tender results will exceed estimations. A separate Key Executive Decision will be submitted at award of tender with detailed tender costs.

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the construction process. Any small issues arising can be funded from the project contingency. If there is not enough funding to cover all planned works once the 23/24 LA School Condition Allocations have been received a review of the works will be undertaken and changes made accordingly.

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

There are no Human Resources implications associated with this 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, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and 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.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all. As required during the School Expansion Statutory Process the Schools Organisation and Place Planning team, with advice from the Corporate Policy & Diversity Team, has carried out a consultation which has outlined how all the protected characteristics shall be influenced either

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positively or neutrally by the proposed school expansion programme. Any recommendations arising from the consultation and the EIA have been included within the project subject of the present ED. Therefore no further EIA is carried out for the purposes of the present ED.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The climate changes in particular the risk of flash flooding has greatly increased, and is likely to increase further over the coming years so it is imperative that the flat roofs are changed as they have reached the end of their life.

Langley Roofing Systems specified roofing materials ensures longer durability and product lifecycle and therefore, savings to LB Havering over time as the roofing products will last longer.

Their robust specification criteria ensures compliance with the latest regulations of 2022. All Langley RBM systems are Broof (t4) compliant with insulation thicknesses ranging from 30mm to 250mm Langley offer the only BBA with a 40-year durability on a full Reinforced Bituminous Membrane System. This robust roofing specification insulation will reduce heat loss within the building thereby reducing heating expenditure and in turn less environmental damage from the fossil fuel polluting the atmosphere.

Langley Roofing Systems are part of Industry Associations such as LRWA (Liquid Roofing and Waterproofing Association) and the NFRC (National Federation of Roofing Contractors), which have initiatives such as Safe2Torch and RoofCert. This means when standards change, Langley can immediately update courses they deliver to their nominated contractors. This ensures that training is current and up to date within the industry standards.

Langley will issue upon completion a 25 year guarantee which also provides 5 years Annual Maintenance Inspections. This is the longest guarantee available in the roofing industry for flat roof systems.

The recommended contractor with their suppliers will comply with all local and national environmental legislation, regulations and directives to protect and improve the environment, and will have developed; reviewed and recorded processes in place to make sure they comply. This is verified by their environmental management holding UKAS accredited independent third-party certificate of compliance with BS EN ISO 14001 and a UKAS accredited independent third-party certificate of compliance in accordance with BS EN ISO 9001.

Action plans are in place to manage their environmental impact, e.g. energy reduction and waste management programmes.

Asset Management have specified replacement pitched roofs with a 25 year guarantee ensuring a long life expectancy reducing the need to replace in the future and waste resources.

BACKGROUND PAPERS

None

APPENDICIES

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

SLT Member title: Director of Children's Services

Date: 30.03.23

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 _____