

Notice of Non-key Executive Decision

Subject Heading:	Authority to award a contract for pitched roof replacements at various primary schools in Havering
Decision Maker:	Mark Butler, Director of Asset Management
Cabinet Member:	Councillor Oscar Ford – Cabinet Member for Children and Young People
SLT Lead:	Trevor Cook – Assistant 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 £490,000 is to be set aside from the LA School Condition Allocations (SCA)It is anticipated that the works 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

Non-key Executive Decision

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 Asset Management is recommended:

To agree to the award a works contract, to Breyer Group Plc for pitched roof replacements at various maintained schools with the London Borough of Havering, at an estimated contract value of £424,000 for a period of 14 weeks, with an estimated start date of 21st July 2023 to coincide with the start of the Havering Schools Summer Holiday.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.4 Powers of Second Tier Managers

Contract powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

STATEMENT OF THE REASONS FOR THE DECISION

Havering LA are responsible for maintaining school buildings therefore an approved budget of £490,000 has been set aside from the LA School Condition Allocations (SCA) 2023/24.

The existing pitched roofs at Harold Court Primary, Langton Infants and Squirrels Infants and Junior Schools have been surveyed and it has been established that they are now beyond their service life and require replacement.

These works have been run via a restricted tendering process to 5 specialist pitched roofing installation contractors who can deliver a fully priced bid without the need of any further negotiations via Fusion to provide a full design and installation service. This approach has been agreed with Corporate Procurement and confirmation is required from Legal Services. The contract will be entered into using the JCT Design and Build Contract 2016 (DB) with LBH amendments. It is proposed that these works will take place at the start of the schools summer holiday 2023 and all to be completed by October half term 2023.

Five specialist pitched roofing installation contractors who provide a full design and installation service were invited to tender with a Quality Evaluation and a Commercial Price Evaluation. Five suppliers signed up on the portal, with one supplier subsequently declining the opportunity due to having an insufficient level of public liability insurance which would mean they were disqualified.

On opening the tender submission, only one contractor Breyer Group PLC ('Breyer') had submitted a bid. The commercial price of the bid was £424,000 including a contingency of £14,700. This is within the Asset Management approved budget of £490,000.

All qualification documents have been checked and are compliant demonstrating the contractor has the ability, capacity and management controls in place to deliver the scheme in an efficient, safe and cost effective manner. The quality return has been marked by evaluators and scored

Non-key Executive Decision

at 91.95%. This has demonstrated their understanding of the LA and school requirements by meeting the specification in order to deliver the pitched roof scheme.

The Quality submission carries a weighting of 30% with price being 70%. Breyer's overall score is 97.59%

Breyer have worked on other roofing schemes in LB Havering during the last financial year, and have carried out the works to a high standard having been monitored by the roofing designer who issues the roof guarantees. They have operated with minimal impact to each school and their forecast outturn of expenditure and programme of works have been achieved. Where there have been any changes to the schedules this has been in full discussion and agreement with the client and the schools directly.

Whilst there has only been one submission, the market has been tested by going out to competitive tender. The bid was the most economically advantageous tender and as a result, it is proposed to appoint Breyer to undertake the replacement pitched roof works utilising the schools summer holiday of 2023 and concluding works by October half term.

OTHER OPTIONS CONSIDERED AND REJECTED

Doing nothing, would lead to the Council failing in its statutory obligations to provide sufficient schools in its area, meaning schools need to be sufficient in number, character and equipment to provide for all pupils the opportunity of an appropriate education in accordance with section 14 of the Education Act 1996.

Temporary repairs have been made however, further repair is not a viable option.

PRE-DECISION CONSULTATION

Each 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: Sally Shadrack
Name:

Designation:

Signature: Sally Shadrack

Date:01.06.23

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has power to award and enter into 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 £ 424,000 is below the PCR threshold for Works contracts £5,336,937. The procurement and award of the contract are not caught by the full PCR regime. Whilst the award do 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 Havering Council's Contract Procedure rules (CPR) and in particular, with CPR rule 12.4,12.6,18.2,18.3, and 18.4

Subject to the Council's Contract Procedure rules being complied with, the Council may proceed with the award of this works contract.

FINANCIAL IMPLICATIONS AND RISKS

Havering LA are responsible for maintaining school buildings, therefore an approved budget of £490,000 is set aside from the 2023/24 LA School Condition Allocations (SCA). These works are contained within the allocated budget.

SUBSTRUCTURE	£273,147
MAIN CONTRACTOR'S PRELIMINARIES	£136,153
CONTINGENCIES	£14,700
TOTAL	£424,000

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the construction process. Any issues arising, can be funded from the project contingency and if need be, the remaining budget allocation of £66,000 may also be utilised.

There exists a risk of delays as with any major building project, but this will be mitigated by a scrutinised critical path programme issued to the Contract Administrator and all the shareholders and reviewed against the on-site progress at four weekly and ad hoc meetings.

As with all contracts, there is a risk to contractor delivery/continued operation. However, the contractor's quality submission has partly mitigated this risk, along with careful project management in the future.

--

Non-key Executive Decision

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

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.

There are no equalities implications arising from this decision.

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 pitched roofs are changed as they had reached the end of their life.

The type of tiles which have been specified for the roofs Weinberger clay tiles are made using abundant reserves of the finest alluvial clay, formed many thousands of years ago from the flood plains of the river Humber. The clay is extracted on the same site as the tiles are manufactured, which helps keep environmental impact to a minimum. As the clay is dug, the land is periodically transformed into wetland habitats. These durable clay tiles will replace the existing tiles. The UK production processes at Weinberger meet the requirements of the Responsible Sourcing standard BES 6001.

The roofing specification also takes into account increased insulation requirements compliant with new building regulations 2022, which will reduce heat loss within the building thereby reducing heating expenditure and in turn less environmental damage from the fossil fuel polluting the atmosphere.

The recommended contractor Breyer with their suppliers comply with all local and national environmental legislation, regulations and directives to protect and improve the environment, and have developed; reviewed and recorded processes in place to make sure they comply. Action plans are in place to manage their environmental impact, e.g. energy reduction and waste management programmes. Breyer are also committed to reducing site waste and operational carbon emissions

Non-key Executive Decision

Asset Management have specified replacement pitched roofs with a 20 year guarantee, ensuring a long life expectancy reducing the need to replace in the future and waste resources.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The roof replacements will not improve the quality of the building or offer better facilities for children and staff, but they 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.

In respect of the roof replacement scheme under Construction Design and Management Regulations 2015 ("CDM"), the Principal Contractor Breyer, will plan, manage, monitor and co-ordinate the entire construction phase. They will take account of the health and safety risks to everyone affected by the work, including in children, school staff and visitors. Asset Management have also employed an independent CDM Coordinator to visit the school sites and monitor Breyer's performance in respect of health and safety, to ensure there are no dangers for the school population.

Breyer as part of the procurement evaluation process, prepared a written construction phase plan and this will be reviewed prior to works commencing and revised accordingly in conjunction with Asset Management and Technical Services being the client and with each school, to ensure it remains fit for purpose.

Breyer as part of their submission, provided a detailed risk assessment taking account of the school environment, and will liaise with the school/client for the duration of the project to ensure that all risks are effectively managed.

Breyer are responsible for their staff training, ensuring they understand the school health and safety policy/procedures. Their staff will have valid Disclosure and Barring Service certification and will abide by all access restrictions.

There will be individual school pre-contract meetings and progress meetings at regular intervals during the roof replacements with Asset Management Project Manager, Technical Services Building Surveyor, Headteacher and School Business Manager, Breyer Operations Director and their Health and Safety Manager. These meetings will cover:

- The site compound location ensuring complete separation via access proof fences and barriers;
- Site deliveries ensuring works traffic is routed to the compound ensuring safety for all;
- Any changes to access points or fire escape routes;
- Any health and safety issues identified. There will also be a chain of responsibility for people to report dangers to.

This will enable the Head teacher to keep staff and children informed on all key points, and ensure the health and wellbeing of the children will be protected during the building works.

Non-key Executive Decision

N/A	BACKGROUND PAPERS
-----	--------------------------

N/A	APPENDICIES
-----	--------------------

Non-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

Details of decision maker

Signed



Name:

Mark Butler

Head of Service title

Director of Asset Management

Date:

1st June 2023

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 _____