

## Notice of KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendices A is not available for public inspection as it contains 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: Information relating 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.

|  |   |
|--|---|
| <b>Subject Heading:</b>                              | Authority to Award a contract for Flat Roof Replacements at various primary school sites including Broadford Primary, Crownfield Junior, Newtons Primary, The R J Mitchell Primary and Whybridge Infant |
| <b>Decision Maker:</b>                               | Barbara Nicholls – Strategic Director of People   |
| <b>Cabinet Member:</b>                               | Councillor Oscar Ford – Cabinet Member for Children and Young People  |
| <b>SLT Lead:</b>                                     | Barbara Nicholls – Strategic Director of People   |
| <b>Report Author and contact details:</b>            | Sally Shadrack Project Manager Schools Asset Management<br>Telephone: 01708 434352<br>Email: <a href="mailto:sally.shadrack@onesource.co.uk">sally.shadrack@onesource.co.uk</a>                         |
| <b>Policy context:</b>                               | Supports educational outcomes within the broader opportunities context of the Havering Vision   |
| <b>Financial summary:</b>                            | This report seeks authorisation to award a roof replacement contract in the sum of £1,581,802. Further details are provided in the body of the report.  |
| <b>Reason decision is Key</b>                        | Expenditure or saving (including anticipated income) of £500,000 or more.   |
| <b>Date notice given of intended decision:</b>       | 6 <sup>th</sup> of June 2023  |
| <b>Relevant OSC:</b>                                 | People OSSC   |
| <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

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.

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

For the reasons detailed in this report and its appendices the member of the Senior Leadership Team with responsibility for Children’s Services is recommended to award a works contract tendered via the LHC Roofing Systems and Associated Works Traditional Flat Roofing Framework to Ashe Roofing Ltd, at an estimated contract sum of £1,581,802 with a contract period of up eight months, with an estimated start date of the 24 July 2023. The works relate to flat roof replacements to various maintained schools within the London Borough of Havering.

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

#### **Part 3 of the Council’s Constitution**

#### **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.

#### **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 purpose of the contract which is subject to this decision is to provide replacement flat roofs at various primary school sites including Broadford Primary, Crownfield Junior, Newtons Primary, The R J Mitchell Primary and Whybridge Infant School. These schools have been surveyed and it has been established that the flat roofs are now beyond their service life and require replacement.

Since the Executive Decision to approve this procurement route, a tender exercise has been carried out via the LHC Roofing Systems and Associated Works Traditional Flat Roofing Framework. The framework enables direct selection of a roof system supplier Langley Roofing Systems with further competition between London and The South East approved installation contractors. Eight London and the South East approved installation contractors were invited via a LHC expression of interest to tender. Two contractors decided to withdraw from this opportunity due to not having the resource available to meet the project needs.

All six approved installation contractors were invited to tender through quick quote via the Fusion portal. This approach had been agreed with Corporate Procurement.

During the tender exercise all six contractors who were invited to tender returned a priced offer via the Fusion system. One of the contractors did not complete all the quality questions in the technical section. As they had not provided the relevant information they were disqualified.

**Key Executive Decision**

All qualification documentation from the five remaining contractor's bids was reviewed and deemed compliant.

The quality level of the bids in the tender was satisfactory. Further details of the tender process (including the price and scoring information) are set out in Appendix A, attached to this report. As a result, it is proposed to appoint the contractor with the highest scoring compliant bid to undertake the works, namely Ashe Roofing Ltd.

**OTHER OPTIONS CONSIDERED AND REJECTED**

The option to do nothing was considered and rejected as the roofs have reached the end of their life and some are leaking. If left this could result in disruption to teaching and the running of the school and most importantly the safety of all the users of the building.

The option to run a Constructionline tender was considered as part of the options appraisal but rejected as a suitable established framework agreement with the LHC where there is 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 as a competitive mini tender arrangement forms part of the framework.

**PRE-DECISION CONSULTATION**

None.

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

Name: Sally Shadrack

Designation: Project Manager Education Asset Management

Signature: Sally Shadrack

Date: 9<sup>th</sup> June 2023

## Key Executive Decision

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

#### **LEGAL IMPLICATIONS AND RISKS**

1. The Council has a general duty to ensure education is available to meet the needs of the population in its area under Section 13 of the Education Act 1996. Additionally, the Council has a duty to exercise its educational and training functions with a view to promote high standards and fulfilment of potential under Section 13A of the Education Act 1996, and a duty to ensure schools sufficient in number, character and equipment are available for its area under Section 14 of the Education Act 1996. Technical Services seek authorisation to award a contract for these Works to comply with these duties.
2. The Council is making a decision to award a works contract for that purpose. The Council has the power to award a contract for these works under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
3. Additionally, through its general power of competence under Section 1 of the Localism Act 2011, the Council can do anything that individuals generally may do, subject to statutory limitations. The recommendations in this report are compatible with these statutory duties and powers.
4. The proposed contract value of £1,581,802 is below the applicable threshold for Works contracts stipulated in the Public Contracts Regulations 2015 ("PCR") of £5,336,937. Accordingly, it is not subject to the full PCR regime. The Council has utilised framework and that is a compliant route to achieving value for money.
5. For the reasons set out above, the Council can award the contract.

#### **FINANCIAL IMPLICATIONS AND RISKS**

Havering Council is responsible for maintaining school buildings within the borough therefore an approved budget of £1,200,000 has been set aside from the 2023/24 LA School Condition Allocations (SCA) for the works which are the subject of this report.

|                                 |                  |
|---------------------------------|------------------|
|                                 | £                |
| SUBSTRUCTURE                    | 1,313,615        |
| MAIN CONTRACTOR'S PRELIMINARIES | 220,187          |
| CONTINGENCIES                   | 48,000           |
| <b>TOTAL</b>                    | <b>1,581,802</b> |

The commercial price of the bid was £1,581,802 (including a £48,000 contingency sum) being 21.8% above the Asset Management approved budget. This variation of £381,802 can be accommodated from the 2023/24 LA Condition Funding which has now been confirmed by DfE as £2,521,926 as opposed to an estimated programme spend of £2,454,000 and with £400,000 of excess funds being carried forward from the previous year's 2022/23 LA Condition Fund.

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 stakeholders 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 but with careful project engagement and time management the risk will be mitigated and managed.

**Key Executive Decision**

The Langley Roofing System comes with a guarantee that is a full pre-paid independent insurance backed guarantee for the entire guarantee period of 25 years. The Langley guarantee is comprehensive, linked to the construction price index, covers the material, design and workmanship of the proposed system, whilst also covering third party consequential damage ensuring future risks are mitigated.

**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.

## Key Executive Decision

### **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 Ashe Roofing Ltd, 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 Ashe's performance in respect of health and safety, to ensure there are no dangers for the school population.

Ashe Roofing Ltd 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.

Ashe Roofing Ltd 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.

Ashe Roofing Ltd 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, Head Teacher and School Business Manager, Ashe Roofing Ltd Operations Director, Ashe Roofing Ltd Contract Manager and Ashe Roofing Ltd 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.
- A procedure 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

### **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 had reached the end of their life.

### **Key Executive Decision**

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. All Langley Roofing Systems' RBM systems are roof (t4) compliant with insulation thicknesses ranging from 30mm to 250mm. Langley Roofing Systems 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 Roofing Systems can immediately update courses they deliver to their nominated contractors e.g. Ashe Roofing Ltd. This ensures training is current and up to date within the industry standards.

Langley Roofing Systems will issue upon completion a 25 year guarantee which also provides 5 years Annual Maintenance Inspections at no charge to the LA. The Langley guarantee is comprehensive, linked to the construction price index, and covers the material, design and workmanship of the proposed system, whilst also covering third party consequential damage. This is the longest guarantee available in the roofing industry for flat roof systems.

The recommended contractor Ashe Roofing Ltd 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. 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**

Exempt Appendix A

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 \_\_\_\_\_