

Notice of NON KEY Executive Decision containing exempt information

This Executive Decision Report is part exempt and Appendix A is not available for public inspection as it contains 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

Subject Heading:	<i>Award of Consultancy Contract for North Street Roundabout – Liveable Neighbourhoods Romford Ring Road</i>
Decision Maker:	<i>Paul Walker– Director of Housing & Property (Interim)</i>
Cabinet Member:	<i>Councillor Graham Williamson, Cabinet Member for Development and Regeneration</i>
SLT Lead:	<i>Neil Stubbings, Strategic Director of Place</i>
Report Author and contact details:	<i>Clare Brennan Clare.Brennan@Havering.gov.uk 01708434693</i>
Policy context:	<i>Havering Inclusive Growth Strategy 2020-2045 Havering Local Plan 2016-31</i>
Financial summary:	<i>The proposed contract is for the sum of £162,385.00.</i>
Relevant Overview & Scrutiny Sub Committee:	N/A

Non-key Executive Decision

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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Non-key Executive Decision

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy X

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

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Authority to directly award a consultancy contract to Jacobs UK Ltd in the sum of £162,385.00.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.3 [Responsibility for Functions] of the Council's Constitution:

3.3 Powers of Members of the Senior Leadership Team

General powers

(b) To exercise all the powers delegated to them personally and those powers delegated to Second Tier Managers and other staff members in their directorate where circumstances require and so far as legally permissible. Exercise of such powers should be recorded where appropriate. Where possible, a SLT member should give notice to a relevant staff member that he or she intends to exercise a specified power that is delegated to that staff member.

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

It is in the Council's economic interests to continue to use Jacobs UK Ltd as the multidisciplinary consultancy firm employed on this contract to work on the traffic modelling and scheme design with TFL.

Jacobs were contracted in 2018 to provide multidisciplinary consultancy support for the Liveable Neighbourhoods Romford Ring Road (LNRRR) Scheme. The Jacobs contract was funded by TFL and Jacobs provided consultancy services as part of Ringway. Jacobs who were a supplier on the London Highways Alliance Framework (LoHAC) North East. The contract was placed on hold in 2020 at the start of Covid because TFL's financial position meant that they were no longer able to fund the scheme. The Council now has funding from CIL and UKSPF to complete the design work and subject to consultation and appropriate governance, go on to implement the proposed construction work at North Street Roundabout. The contract has since expired.

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The modelling and design of this scheme is complex and a significant amount of modelling was completed prior to 2020. Another supplier would need to duplicate work and would not have the established relationships that Jacobs have developed with TFL through their work on the scheme so far.

The LoHAC Framework has now expired so a waiver of the Contracts Procedure Rules has been granted to enable a contract to be directly awarded to Jacobs so they can complete the design work that was paused in 2020.

If the contract was awarded to an alternative consultant, there would be significant additional cost incurred due to the need for an alternative supplier to duplicate work already undertaken by Jacobs; the traffic modelling is not easily transferable. There would be potential loss of £400K UKSPF funding as a result of delays to the programme and inability to deliver work on site by 1.4.2025.

OTHER OPTIONS CONSIDERED AND REJECTED

- 1) Re-procure the contract through Matrix: Jacobs are not a supplier on the Matrix Framework and would therefore not have been able to tender for this piece of work. The process of tendering would have taken several weeks to complete and the appointed consultant would have had to adopt and continue with existing modelling work where possible. Loading traffic information onto software is the most complex and time consuming aspect of the traffic modelling. It would have taken considerable time for any other consultant to undertake this exercise and additional costs would be incurred. This option was therefore rejected.
- 2) Carry out a mini tender exercise through an existing external Framework such as ESPO. Jacobs UK Ltd are listed as a supplier on both CCS and ESPO Frameworks but the mini-tender process would have taken a similar amount of time and incurred duplicated costs in the same way as option 1 and if another supplier won this would result in a duplication of work and costs for the Council. This option was therefore rejected.
- 3) Tender the contract for the design and management of the work on site as one contract through Matrix or an external Procurement Framework. This route had the advantage of being one procurement exercise to appoint a consultant for both the design work and management of the work on site. However, the same duplicated costs and programme delays would have been incurred during the design phase as outlined in option 1 and it was felt that Jacobs UK Ltd are best placed to complete the modelling and initial design work. The management of the construction work on site could be carried out by an alternative consultant and there is time to re-tender the second part of the consultancy contract. This is therefore what is proposed and the option of tendering both the design and traffic modelling and management of the construction work as one contract was rejected.

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PRE-DECISION CONSULTATION

No formal consultation has been undertaken in relation to this proposed contract.

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

Name: Clare Brennan

Designation: Regeneration Manager (Infrastructure)

Signature: Clare Brennan

Date: 11.10.23

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. This report seeks to directly award a contract to Jacobs Consultancy for design works.
2. The Council has the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any limitations. The contract may be awarded in accordance with these powers.
3. A tender exercise was not carried out as required by the Contract Procedure Rules (CPR) and the contract will need to be directly awarded to the provider. In accordance with CPR 14.3 a waiver has been approved.
4. The proposed contract value is below the EU threshold for services (currently £213,477) and accordingly is not subject to the full rigours of the Public Contracts Regulations 2015 (as amended).

FINANCIAL IMPLICATIONS AND RISKS

The awarded contract costs of £163k for this scheme are within the budget provision set aside for this financial year. It would appear that these costs would be greatly increased if other options were selected

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

There are no HR implications or risks associated with this proposed contract.

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.

Non-key Executive Decision

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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There are no climate change implications or risks associated with the consultancy contract but the proposed scheme itself will have positive benefits for Climate Change as the aims of the scheme include increasing active travel, biodiversity and tree planting around Romford Ring Road at North Street Roundabout.

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BACKGROUND PAPERS

None

APPENDICES

Appendix A	Pricing Submission	<i>Exempt</i>
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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

Proposal ~~NOT~~ agreed because

Details of decision maker

Signed



Name: Paul Walker

Title: Interim Director of Housing & Property

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 26.10.23

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 _____

Non-key Executive Decision