

Notice of Non-key Executive Decision

Subject Heading:	Clerk of Works Services - Supported Housing Development: Mowbrays Close and Mawney Close
Decision Maker:	Ian Saxby – Assistant Director of Housing, Property and Assets
Cabinet Member:	Councillor Paul McGeary - Lead Member for Housing
SLT Lead:	Barbara Nicholls – Strategic Director of People
Report Author and contact details:	Robert Ditsell - Project Manager 01708 434000 Robert.ditsell@havering.gov.uk
Policy context:	People - Things that matter for residents
Financial summary:	This report is seeking approval to award Qualitas Inspection Services Limited the works for a total cost of £25,041.71
Relevant Overview & Scrutiny Sub Committee:	Place OSC
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 X

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

This report seeks approval from the Assistant Director of Housing, Property and Assets to award a contract to Qualitas Inspection Services Limited for Clerk of Work services for two development schemes as itemised below at the total cost of £25,041.71 for the period of 12-18 months

Supported Living Service for Adults with Disabilities

Mowbrays Close, Romford

Semi-Independent Scheme for Young People Leaving Care

Mawney Close, Romford

AUTHORITY UNDER WHICH DECISION IS MADE

3.4 Powers of Second Tier Managers

General powers

- (a) To take any steps necessary for proper management and administration for their allocated portfolios.

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

There is a requirement in Housing for Planned Works to have Clerk of Work provisions in place to oversee the on-site delivery of the Supported Living Service for Adults with Disabilities and Semi-Independent Scheme for Young People Leaving Care development projects in London Borough of Havering. This is to ensure that all works are undertaken as specified in the Building Contract, and in accordance with statutory and regulatory requirements to achieve high quality schemes.

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Following the Council's contract procedure rules, we published a tender on Fusion – HRFQ159 - following previous permission under an Executive Decision 1.

Four contractors who have the required experience and expertise were invited to partake

Submissions were evaluated on price only (100% price).

Evaluation was completed with a Quantity Surveyor in the Planned works team and Robert Ditsell as the Project Manager.

Ranking	Contractor	Clerk of Works	Aftercare	Combined Totals	Comments
1	Qualitas Inspection Services Limited	£21,541.71	£3,500.00	£25,041.71	
2	Walker Management	£34,945.44	£3,325.00	£38,270.44	
	Baily Garner	£37,500.00	n/a	£37,500.00	Discounted. No price submitted for aftercare provisions
	John Burke Associates	n/a	n/a	No Submission	Declined to submit due to aftercare provisions

Pre tender estimates were between £30,000 - £40,000.

Submissions ranked 1 and 2 have both come below this estimate.

The submission from Qualitas Inspection Services Limited provides the best value for money.

Therefore, the Council is seeking permission to award the works to Qualitas Inspection Services Limited for a total cost of £25,041.71.

OTHER OPTIONS CONSIDERED AND REJECTED

- To not procure for Clerk of Work services and not award the contract. This option was considered and rejected as this is a requirement to ensure Quality Control.
- To utilise in house Clerk of Work services. This option was considered and rejected as capacity in current resources will not be sufficient for these Projects.
- To appoint Clerk of Work services with current consultant working on the Project. This option was also considered and rejected as it is unable to ensure value for money and would fall above contract procedure rules threshold.

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PRE-DECISION CONSULTATION

Business partners have been consulted and their comments incorporated into this report.

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

Name: Robert Ditsell

Designation: Project Manager

Signature:



Date: 19th January 2024

Part B - Assessment of implications and risks

1.1 Legal Implications

The Council has the power to procure a contract for these services 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.

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 Section 1 power are engaged by this decision.

The contract value of £25,041.71 is below the applicable public procurement threshold for services contracts for the purposes of the Public Contracts Regulations 2015 (PCR 2015) of £214,904 and the contract is not caught by the full regime of the regulation. However, the contract must comply with the Council's Contract Procedure Rules (CPR).

For the reasons set out above, the Council may award the contract to Qualitas Inspection Services Limited

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to award the works to Qualitas Inspection Services Limited for Clerk of Works Services - Supported Housing Development: Mowbrays Close and Mawney Close.

The cost of £25,041.71 will be fully funded from the capital programme that has been earmarked for this project.

An estimated cost of the Clerks of Works Service was included in the overall project costs at £35,000 which were agreed in a separate decision paper.

The 1st ranked submission is £9,958.29 below this estimation.

An Experian credit check will be completed.

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

The recommendation made in this report does not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

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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.

The Council will seek to ensure that socio-economic status will not dictate health and safety outcomes for occupants of new and existing homes

As we currently do not know who the end users will be, we have not completed a privacy impact assessment as this decision is seeking permission to go out to tender to procure a contractor for construction. The end users and associated provisions for those will be managed by the customer, the Joint Commissioning Unit.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Procurement of Clerk of Work services is neutral in terms of Environmental Impacts or Climate Change.

BACKGROUND PAPERS

None.

APPENDICES

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: Ian Saxby, Assistant Director of Housing, Property & Assets

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 6 February 2024

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____

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