

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 or relates 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 financial or business affairs of a particular person (including the authority holding that information) and in these circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Authority to award a contract for the construction of a new CCTV Control room
Decision Maker:	Helen Oakerbee – Director of Planning and Public Protection
Cabinet Member:	Cllr B Mugglestone – Lead Member for Environment
SLT Lead:	Neil Stubbings, Strategic Director of Place
Report Author and contact details:	Kathryn Skinner Architectural Officer Kathryn.skinner@havering.gov.uk 01708 433344
Policy context:	This report relates to the Cleaner, Safer priorities of the Council
Financial summary:	Following a competitive tender, the cost for building work to create a new CCTV Control Room within the Central Library, Romford is £0.327m and is met within

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	the approved costs for Phase 1 of the CCTV upgrade scheme
Relevant Overview & Scrutiny Sub Committee:	Places O&S Sub 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 - 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

For the reasons stated in this report and its appendix, approval is sought from the Director of Planning and Public Protection to agree to award a contract for the design and build of a new CCTV Control Room, to Thomas Sinden Ltd at a value of £327,585.13, with an estimated commencement date in March 2024. The contract length is anticipated to be 12 weeks.

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.

General powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.
- (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 Contract powers of Second Tier Managers

- (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

The purpose of the contract which is subject to this decision is to construct a new CCTV control room, allowing the upgrade of the CCTV infrastructure (subject to a separate decision) and ultimately the exit of the service from Mercury House.

This Non-Key Executive Decision relates specifically to the separate works contract to construct the CCTV control room. Approval to commence tender was given on 22 November 2023.

Since the Executive Decision to approve this procurement route, a tender exercise has been carried out based on a JCT Intermediate Contract, with Contractor Design (with Amendments) through the Fusion portal. In line with the Council's Contract Procedure Rules (CPR), the list of

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tenderers was sought from Constructionline, and five suppliers were invited to submit bids. The construction market remains highly competitive at this point in time.

During the tender exercise all five contractors returned a priced offer. 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 Thomas Sinden Ltd.

OTHER OPTIONS CONSIDERED AND REJECTED

Alternative options had been considered, including changing the location of the control room, however the Central Library has been agreed to be the most suited position due to location and availability.

Doing nothing was not considered, as the Cabinet have expressed their requirement to proceed with the project and several other projects require this to start to assist with the integration of other sites into the CCTV control room. Therefore the option of doing nothing was rejected.

PRE-DECISION CONSULTATION

No formal consultation is required to make these arrangements although key stakeholders are kept apprised of the project.

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

Name: Ian Saxby

Designation: Assistant Director of Housing Property and Assets



Signature:

Date: 31/01/24

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. 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 statutory limitations.
2. Additionally, the Council has the power to procure the contract under Section 111 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.
3. The proposed contract value of £327,585.13 is below the threshold for works contracts of £5,372,609 and accordingly does not fall within the full rigours of the Public Contracts Regulations (as amended) 2015.
4. However the procurement must still comply with the Council's Contract Procedure Rules (CPRs) which requires the Council to use Constructionline to invite at least 5 organisations to tender. The tender procedure conforms to the Council's Contract Procedure Rules.

For the reasons set above, the Council may agree to the recommendation for the entering into the contract as detailed in Part A of this report.

FINANCIAL IMPLICATIONS AND RISKS

Estimated Project Costs & Source of Funding

Project Costs

Item	Estimated cost £m
Contract to Design and Build	£0.327
Technical fees including Planning fees	£0.023
Fitted Furniture, Finishes and Equipment	inc
Project contingency & risk allowance	inc
Estimated total project costs	£0.350

It should be noted that the majority of fitted furniture is included within the equipment procurement due to the nature of the requirement. Project contingency included within the Contract sum of £30,000.

Project funded through capital allocation code C38020

Risks

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the build process, this risk is mitigated via a contract administration procedure as set out within the JCT Intermediate Contract, with Contractor Design (with Amendments) that provides constant monitoring and final cost forecasting. Any issues arising can be funded from the client contingency sum.

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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 fortnightly and ad hoc meetings.

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

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

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

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.

An EqHIA has been carried out.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

In general

The project subject of this relates to improving building efficiency within the asset portfolio and upgrades an existing facility to be modern and efficient which is substantially more efficient and more environmentally friendly/ viable than the rest of the portfolio.

The following sections outline the environmental and climate change considerations that have been addressed as part of the building design and procurement of the construction contract which is subject to the present report. This has been divided into design considerations and contractor selection considerations.

Design element

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The design was carried out by professional architects, who recognise, as the Royal Institute of British Architects has declared, that the climate emergency is the most pressing professional challenge of this generation, and that it should receive proportionate attention and care.

Designs have been carried out following the latest and most up to date tools and advices arising from the RIBA, the BRE, the Ministry of Housing, Communities and Local Government (now the Department for Levelling up) and other professional and advisory bodies.

The impact of carbon emissions has been considered as part of the design. Designers of this building are fully aware that the built environment is responsible for a large part of the carbon emissions in Great Britain. Current figures estimate that 47% of carbon emissions arise from the built portfolio. This includes space heating and electricity. Where artificial lighting is required, the design has privileged LED lighting which delivers an energy saving of around 75% and is designed to last up to 25 times longer than incandescent lighting. In light of the above, the targets of energy performance of the building fabric and of its services have been increased to 10% over the Building Regulations levels.

Procurement element

As part of the tender exercise, tenderers were asked to produce their environmental credentials, and were evaluated on this basis, along with other technical queries. In particular, tenders were evaluated in relation to their response to waste management, energy and carbon footprint questions.

Contractors were asked to confirm what measures, above and beyond their contractual obligations, they propose to take in order to minimise the production of waste arising from operations, and how the remaining amount of waste will be recycled and disposed of.

Furthermore, contractors were asked to confirm and describe what measures, above and beyond their contractual obligations, they propose to take in order to minimise the use of fossil fuel energy in your operations, and to generally decrease the carbon footprint of operations. Additionally, contractors provided details describing their process to calculate their organisation's carbon footprint and what concrete steps they will have already taken in order to reduce this, or offset the emissions produced by their business.

All tender responses have been evaluated carefully and the winning tenderer, which this ED proposes to award the contract to, has fully demonstrated their understating of all the issues under hand, and they have demonstrated proactive, above and beyond commitments and practical steps taken to improve their environmental policies and practices and to reduce site waste and operational carbon emissions.

Lastly, as part of the Council's commitment to go paper free, the tender exercise, which some years ago would have resulted in huge amounts of paper being produced, has been moved online and it is now a fully digitalised exercise.

BACKGROUND PAPERS

None

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APPENDICES

Appendix A

Tender Scoring Document

Exempt from Public Inspection

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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: Helen Oakerbee, Director of Planning and Public Protection

Date: 12 March 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 _____