



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 financial information/valuation and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:	Authority to award a contract for Flat Roof Replacements at James Oglethorpe Primary School and Scotts Primary School
Decision Maker:	Strategic Director of Place - Neil Stubbings
Cabinet Member:	Councillor Paul McGeary - Cabinet Member for Housing and Property
SLT Lead:	Neil Stubbings - Strategic Director of Place
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 £497,811 to be set aside from the LA School Condition Allocations (SCA)2024/25.
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 and its appendix, the Strategic Director of Place is recommended:

To agree to the award a works contract, to Ashe Roofing Ltd for flat roof replacements at James Oglethorpe Primary School and Scotts Primary School within the London Borough of Havering, at an estimated contract value of £497,811 for a period of 16 weeks. Scott's Primary is anticipated to commence 27th May (half term holiday), completing 15th June and James Oglethorpe Primary commencing 25th July (summer holidays) and completing 30th September.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3.3 Scheme – Powers common to all Strategic Directors

1. General

- 1.1. To take any steps necessary for proper management and administration of allocated portfolios.

4. Contracts

4. 2. To award all contracts with a total contract value of below £1,000,000 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 James Oglethorpe Primary School and Scotts Primary School. Havering LA are responsible for maintaining school buildings therefore an approved budget of £495,000 has been set aside from the LA School Condition Allocations (SCA) 2024/25. The existing flat roofs have been surveyed and it has been established that they 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 under each Workstream (Workstream 1 was chosen for these works – Traditional Flat Roofing), with further competition between London and The South East approved installation contractors.

This approach had been agreed with Corporate Procurement. 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 half term holiday 2024 and all to be completed by the end of September 2024.

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Five contractors were invited to tender and registered on the Fusion portal to go forward with the tender. During the process, one contractor contacted the buyer and declined to bid due to other commitments. Four tenderers provided a response.

The commercial price of the bid was £497,811 that falls marginally above being 0.6% more than the Asset Management approved budget of £495,000. The 2024/25 Schools Condition Fund Budget was originally forecasted at £2,521,425 with the Actual DfE Schools Condition Fund being realised at £2,580,134 therefore providing sufficient additional funds to cover this bid price.

The commercial response of the top two bidders was comparable in relation to individual roof costs and against the Langley Waterproofing Systems' roofing specification. The price differential was 1.6% being £7,841.

The Tender Evaluation Panel with scores 1-5 on the issued quality questions evaluated the quality element. The panel result show similar marking for the top two bidders with the third bidder whilst having a lesser commercial price had average answers.

Ashe Roofing scored 28.9% out of a possible weighting of 30%. This has demonstrated their understanding of the LA and school requirements by meeting the specification in order to deliver the flat roof scheme. The commercial submission carries a weighting of 70% of which Ashe scored 67.3% whilst not being the lowest was still a comparable cost effective bid. This positioned them as scoring the highest marks. Please see Appendix A for further details. All qualification documents have been checked and are compliant demonstrating Ashe Roofing Ltd have the ability, capacity and management controls in place to deliver the scheme in an efficient, safe and cost effective manner.

The market has been tested by going out to competitive tender and their bid was the most economically advantageous tender so it is proposed to appoint Ashe Roofing to undertake the replacement flat roof works at James Oglethorpe Primary School and Scotts Primary School.

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 hence proceeding with flat roof replacement.

Therefore, the above options were considered and rejected.

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.

Non-key Executive Decision

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

Name: Sally Shadrack

Designation: Project Manager Schools Asset Management

Signature: Sally Shadrack

Name:

Signature: Sally Shadrack

Date:02.05.24

Non-key Executive Decision

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

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 is making a decision to award a contract for works for that purpose.

The Council has power to award and enter into a works 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.

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 £497,811 is below the PCR threshold for works contracts £5,372,609. 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). The body of this report confirms that officers have undertaken a route via the LHC Roofing Systems and Associated Works Traditional Flat Roofing Framework (Workstream 1) and in accordance with the rules of that framework, the contract complies with the above principles.

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

FINANCIAL IMPLICATIONS AND RISKS

Havering LA are responsible for maintaining school buildings, therefore an approved budget of £495,000 was originally set aside from the 2024/25 LA School Condition Allocations (SCA). These costs fall marginally above at £497,811 an additional £2,811 (0.6%).

The 2024/25 Schools Condition Fund Budget was forecasted at £2,521,425 in January 2024 with the Actual DfE Schools Condition Fund being realised in April 2024 at £2,580,134 therefore providing an additional £58,709 (2.28%) of funds to cover this actual bid price uplift.

SUBSTRUCTURE	£427,894
MAIN CONTRACTOR'S PRELIMINARIES	£ 69,917
TOTAL	£497,811

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the construction process. For issues arising, there is sufficient scope within the schools condition allocation to cover any unforeseen issues. Should any overspends emerge they will be reported/escalated via monthly capital monitoring processes

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.

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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.

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.

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

There are no Human Resources 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 flat roofs are changed as they had reached the end of their life.

Non-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 also 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

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The roof replacements 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 Roofing Ltd's performance in respect of health and safety, to ensure there are no dangers for the school population.

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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 including the local community.

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, school staff and visitors will be protected during the building work

BACKGROUND PAPERS

N/A

APPENDICES

Exempt Appendix A

Flat Roof Tender Submissions

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: Neil Stubbings
Strategic Director of Place

Date: 21.05.2024

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 _____