

Notice of Non Key Executive Decision

Subject Heading:	Underpinning – 8 Dudley Gardens
Decision Maker:	Paul Walker, Interim Director of Housing & Property
Cabinet Member:	Paul McGeary, Lead Member For Housing
SLT Lead:	Neil Stubbings, Strategic Director Of Place
Report Author and contact details:	James Wallis, Project Manager, Property Services Email: James.wallis2@havering.gov.uk Tel: 01708 433468
Policy context:	Supports the People Theme - Place - A great place to live, work and enjoy.
Financial summary:	The estimated contract value is circa £45,000 which will be funded from the HRA Capital Programme.
Relevant Overview & Scrutiny Sub Committee:	Place
Is this decision exempt from being called-in?	<i>The decision will be exempt from call in as it is a Non key Decision</i>

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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

For the reasons set out in this report, the Interim Director of Housing & Property is recommended to:

authorise the commencement of a procurement process for a contract for underpinning at 8 Dudley Gardens, RM3 8LJ at an estimated value of £45,000 as set out in this report

A request for quotation (RFQ) will take place and it is recommended that the most economically advantageous tender is based 100% on price hence, waiving the 70%-30% price-quality ratio as per the Contract Procedure Rules (CPR).

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.3 Scheme of Delegations

3.3.3 Powers common to all Strategic Directors

1. General

1.1 To take any steps, and take any decisions, necessary for the proper management and administration of their allocated directorate, in accordance with applicable Council policies and procedures.

2. Expenditure

2.1 To incur expenditure for their allocated directorate within the revenue and capital budgets as approved by the Council, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules."

STATEMENT OF THE REASONS FOR THE DECISION

1. The Housing maintenance team have been monitoring this property since 2015 and have noted that over the years the cracking and movement to the property has become significantly worse. More in depth investigations have been completed and findings within the clay sub-soils supporting the property are as such, that the movement will not cease unless additional foundation depths are achieved through underpinning.
2. This recommendation has been made by an independent structural Engineer to prevent further damage to the building and/or future loss. The estimated commencement date is 01/06/2024 and works are expected to be completed by end of August 2024. The forecasted cost of the works is circa £45,000.

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3. The Contract will be procured via the Fusion Procurement Portal by inviting 3 contractors to Quote (RFQ) for the works with a pre-tender estimate of £45,000, It is proposed that the JCT Minor Works contract is used.
4. All works will comply with current Building Regulations approval, applications of which have already been submitted, and the Contractor will be required to provide additional social value aimed at improving the local supply chain.
5. Performance of the contract will be managed and monitored throughout the project by the Programme Delivery Project Surveyor and the Clerk of Works.
6. Minimum standards for sub-contractors will be introduced by the Council in order to improve the quality of the supply chain and the key service and quality requirements will be closely monitored throughout the duration of the contract by the Councils Clerk of Works.
7. The Council considers that the procurement achieves best value in a competitive market by procuring in accordance with the Council's Contract Procedure Rules.

OTHER OPTIONS CONSIDERED AND REJECTED

Option 1: Do Nothing

Do nothing was ruled out as a recommendation due to the possibility of the property becoming uninhabitable which would lose income for Havering and the current tenants would need to be re-housed

Option 2: Procure through a Framework

Considered and rejected on the grounds that value for money will be achieved through a restricted competition, inviting 3 tenderers who are on Construction line and that the use of a framework for a low value procurement is unnecessarily cumbersome.

Option 3 – stabilize the ground using new ground stabilisation methods rather than underpinning.

Considered and rejected on the grounds that there would be uncertainty as to whether this would work within the highly shrinkable clay sub-soils.

PRE-DECISION CONSULTATION

None

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

Name: James Wallis

Designation: Project Manager

Signature: *James Wallis*

Date: 22/04/2024

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 any statutory constraints on the Council's powers. None of the constraints on the Council's Section 1 power are engaged by this decision.
2. Additionally, under section 111 of the Local Government Act 1972 the Council can do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The contract may be procured in accordance with these powers.
3. The proposed contract value is below the procurement threshold for works contracts under the Public Contracts Regulations 2015 (PCR) and accordingly, the Council is not under an obligation to publish a Contract Notice in Find a Tender. The procurement of the contract are not caught by the full PCR regime. Whilst the award does not fall to be considered under the full PCR regime, when considering to procure for these works, the Council must comply with Havering Council's Contract Procedure rules (CPR).
4. The Council's Contract Procedure Rules (CPR) require contracts to be awarded on the basis of 70/30 price/quality evaluation. (CPR 18.4). CPR 18.5 sets out exceptions to CPR 18.4 however none apply. A waiver to CPR 18.4 will therefore be required if the contract is to be awarded based solely on price.
5. The CPR require that all works Contracts with a value between £25,000.00 and £99,999.00 be procured by either undertaking a tender process or obtaining three quotations. This legal route followed to procure this contract conforms with the CPR.
6. For the reasons set out above and subject to a waiver being granted as set out at paragraph 4 above, the Council may commence the procurement process.

FINANCIAL IMPLICATIONS AND RISKS

This report is seeking approval to commence the procurement process and does not contain any financial implications. It is anticipated that the work will cost in the region of £45,000, which will be funded from HRA Capital Programme. This figure will be confirmed and the contract awarded via a separate Executive Decision.

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.

TUPE (Transfer of Undertakings (Protection of Employment) Regulations) will not apply as there will be no transferring staff.

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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.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

None

BACKGROUND PAPERS

None

APPENDICES

None

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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

~~Proposal NOT agreed because~~

Details of decision maker

Signed



Name: **Paul Walker**

Cabinet Portfolio held:

CMT Member title:

Head of Service title: Interim Director – Housing & Property Place Directorate

Other manager title:

Date: **05.06.24**

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 _____