

Notice of Non-Key Executive Decision

Subject Heading:	Sheltered Housing Lift Project
Decision Maker:	Neil Stubbings, Strategic Director, Place
Cabinet Member:	Paul McGeary, Cabinet Member for Housing & Property
ELT Lead:	Neil Stubbings, Strategic Director, Place
Report Author and contact details:	James Johnson, Senior Project Manager, Housing Services Email: james.johnson@havering.gov.uk Tel: 01708 432144
Policy context:	Supports the outcomes within the London Borough of Havering's Corporate plan. <u>Places.</u> Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe.
Financial summary:	The contract value is £1,611,573 and will be funded from the HRA Capital Programme.
Relevant Overview & Scrutiny Sub Committee:	Place
Is this decision exempt from being called-in?	Yes, this is exempt, it is a Non Key decision by a member of staff.

Non-key Executive Decision

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

People - Supporting our residents to stay safe and well

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

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons detailed in this report the Strategic Director of Place is recommended to:

- (a) eAgree to award a contract to build nine small extensions housing new lifts at three sheltered blocks in Havering with a value of £1,611,573 to Kind & Co Ltd, as set out in this report.

AUTHORITY UNDER WHICH DECISION IS MADE

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

The works to build nine small extensions housing new lifts at three sheltered blocks in Havering was tendered and the process was concluded. On 17 July 2024 Cabinet agreed to award the contract to Kirkman & Jourdain Ltd.

Since the decision was made to award the contract it has become apparent that Kirkman & Jourdain's tender is not compliant in that they have proposed an alternative lift specification which is not equivalent to that described in the tender documents. They have confirmed they are unable to offer the specified lifts or an equivalent alternative without increasing their tender sum and so have withdrawn their tender.

There are planning permissions which are about to expire associated with the Works and as a result there is not enough time to tender the Works again (or indeed for the matter to go back to Cabinet).

The second placed bidder, Kind & Co Ltd, has confirmed its tender offer stands. This tender is below the pre-tender estimate and is within budget. It meets the specification requirements. It is therefore proposed that the Council roll back to the award of contract stage and confirm the winning tender is that of Kind & Co.

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OTHER OPTIONS CONSIDERED AND REJECTED

1. Negotiate a new contract sum with Kirkman & Jourdain Ltd
This would amount to by-passing the tender process and therefore would not comply with the procurement regulations Havering's Contract Procedure Rules. Furthermore, Kirkman & Jourdain Ltd have now withdrawn their tender submission.

2. Re-tender the contract
There are planning permissions which are about to expire and there is not enough time to go to tender again (or indeed for the matter to go back to Cabinet).

PRE-DECISION CONSULTATION

Residents and sheltered scheme management have been consulted throughout the duration of this project and will continue to be consulted.

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

Name: James Johnson

Designation: Senior Project Manager

Signature: 

Date: 18/11/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

On 17 July 2024 Cabinet agreed to proceed with award of the sheltered housing lifts works contract at a value of £1,438,813 to Kirkman & Jourdain as highest ranked supplier after evaluation. As Kirkman & Jourdain have now withdrawn from the process, Kind & Co (originally the second ranked supplier) are now the highest ranking tenderer within the procurement. This report recommends an increase in the contract sum of £172,760 and award of the contract to Kind & Co. The contracted works remain unchanged from that originally agreed by Cabinet. As set out in this report, the contract price remains within available budget.

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 limitations. No limitations are engaged by this decision. Additionally, the Council has the power under Section 111 of the Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The recommendations in this report are in line with these powers.

FINANCIAL IMPLICATIONS AND RISKS

The total cost of the contract is £1,611,573. This will be funded from the Housing Revenue Account Capital Programme - Project Code C38820 Task 1.0.

Financial Stability

A financial check has been carried out on Kind & Co Ltd, using Experian and they were considered 'Below Average Risk'.

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

The recommendations made in this report do not appear to 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.

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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 action undertaken will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

There was a requirement to undertake a preliminary bat roost assessment to ensure bats were not harmed as a consequence of the works. This has been done and its recommendations are being followed.

An arboricultural report on the trees at the site has been undertaken and its recommendations are being followed.

A flood risk assessment was undertaken at Beehive Court and its recommendations are being followed.

There is nothing in these works, as specified, or the way they will be undertaken that poses an unusual risk to the environment or climate.

BACKGROUND PAPERS

None.

APPENDICES

Appendix A EqHIA-Sheltered Housing Lift Project

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



Paul Walker
Interim Director of Housing & Property

Date: 22nd November 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 _____