

Item No:	Classification: Open	Date: 22 January 2018	Decision Taker: Director of Customer Experience
Report title	Gateway 2 – Major works constructor framework (Lot 1) 1-96 Brydale House QHIP 16/17 Works		
Ward(s) or groups affected	Rotherhithe Ward		
From	Head of Investment		

RECOMMENDATIONS

1. That the Director of Customer Experience approves the award of the 1-96 Brydale House QHIP 16/17 works via a mini-competition from the major works constructor framework to A&E Elkins Ltd for a period of 30 weeks.

BACKGROUND INFORMATION

2. In October 2015, cabinet approved the establishment of the major works constructor framework ('the framework') for a period of 4 years from 1 March 2016 in the four Lots as follows:
 - a. Lot 1 - Main building works (low value schemes up to £3.5m)
 - b. Lot 2 - Main building works (high value schemes over £3.5m)
 - c. Lot 3 - District mains, boilers and internal works
 - d. Lot 4 - Communal and electrical works
3. It was noted to cabinet that the Strategic Director of Housing and Modernisation will take the decisions for works being instructed through the framework in line with her scheme of delegation and approval was obtained for exemption from contract standing order 4.5.2(h) requiring consideration of approval reports by the relevant DCRB for works being instructed through the framework.
4. The framework supports and works alongside the council's 3 existing major works partnering contracts ('partnering contracts') but more specifically, undertakes work in contract areas 1 and 2 where the partnering contracts were mutually concluded. It should be noted that 2 of the 3 partnering contractors act as reserve contractors for contract areas 1 and 2. The partnering contracts for contract areas 3, 4 and 5 are in place until 13 June 2018 subject to contract extension and have non-exclusive extensions in place with termination at will clauses. However, mini-competition through the framework will be used where there are no partnering contracts in existence.

5. The scope of works for this scheme includes concrete repairs, brickwork repairs, roof works, window replacements, kitchen replacements, bathroom and w/c replacements, asbestos associated removal works, external redecorations, front entrance doors renewals and communal redecorations and associated repairs.
6. The duration of the works is 30 working weeks.
7. Works are expected to start on 19 February 2018 and complete on 14 September 2018.

Procurement project plan (Key Decision)

Activity	Completed by/Complete by
Approval of Gateway 2: Establishment of major works framework agreement	20/10/2015
Issue Notice of Intention (Applies to Housing Section 20 Leaseholder Consultation)	17/11/2016
mini competition invitation	04/01/2017
Closing date for return of tenders	10/02/2017
Completion of evaluation of tenders	15/03/2017
Issue Notice of Proposal (Applies to Housing Section 20 Leaseholder Consultation)	14/06/2017
Notification of forthcoming decision – Five clear working days	20/12/2017
Approval of Gateway 2: Mini competition award report	03/01/2018
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	10/01/2018
Contract award	17/01/2018
Add to Contract Register	17/01/2018
Contract start	19/02/2018
Publication of award notice on Contracts Finder	19/02/2018
Contract completion date	14/09/2018

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

8. This scheme consists of works to 1-96 Brydale House, Silwood Estate in the Rotherhithe area. This includes 24 leasehold properties and 1 Right to Buy (RTB) applicants. The address details are as follows:

Block Address
1-96 Brydale House, Silwood Estate, Rotherhithe New Road London SE16 2PD

9. The key work elements and indicative costs are as follows:

Policy Implications

10. This scheme is designed to deal with works to meet the Quality Homes Investment Programme (QHIP) which includes works to maintain decency and deliver the council's commitment to quality kitchens and bathrooms.
11. Planning consent is required for the works being undertaken within this scheme.
12. As part of the overall procurement process for this framework A&E Elkins Ltd were assessed and indicated compliance with the council's equal opportunities policy. This scheme is for works to the housing stock and will benefit all residents in the blocks affected.
13. This report confirms that, where applicable, this scheme is designed in compliance with the council's design specification as included in the overall procurement process for the framework.

Decent Homes

14. Once all works are completed under this scheme, all properties will achieve the Government's Decent Homes standard.

Mini competition Process

15. The call-off arrangements set out in the 'operation of the framework' document was followed and a mini-competition procedure was carried out.
16. As the scope of this work is of a nature where charges can be recovered from leaseholders under section 20 of the Landlord and Tenant Act 1987, leaseholder consultation was carried out. The council did not receive leaseholder nominations.
17. All contractors listed on Lot 1 were invited to participate in the mini-competition process with instructions to return the tender by 1:00 pm on 27 January 2017, however an extension was granted of two weeks to all of the invited contractors, with a revised tender date of noon on 10th February 2017. The list of contractors invited is as follows:
 - A&E Elkins Ltd
 - Architectural Decorators Ltd
 - Standage & Co Ltd
 - Saltash Enterprises Ltd
 - Niblock (Builders) Limited
 - Thomas Sinden Limited
18. Only 5 of the 6 contractors returned a tender, Architectural Decorators Ltd failed to return a tender.

Mini-competition Evaluation

19. The tenders were evaluated in line with the rules set out in the framework.
20. Representatives from our consultants Calfordseaden LLP (Calfordseaden) and the investment team participated in the tender evaluation process which involved checking whether all requirements set out in the checklist were met and assessment of price and quality specific to this scheme.

21. All tenderers were required to complete and confirm that they meet the requirements set out in the checklist. The checklist was satisfactorily completed by all tenderers.
22. The quality element of the submissions was assessed on a pass/fail basis.
23. The quality criteria for these works were as follows:
 - Resources and management of call-off contract.
 - Management of sub-contractors.
 - Health and Safety (H&S) proposals for the call-off contract.
 - Design Proposals.
24. The quality submissions were scored using a 1 – 3 scoring systems as set out in the 'operation of the framework' document. At this stage, tenderers were required to meet a minimum threshold of 3. If they failed to meet this standard, they were not assessed any further in this process. All tenderers achieved the threshold 3.
25. The results of the quality criteria assessments were as follows:

Contractor	Pass/Fail
A&E Elkins Ltd	Pass
Standage & Co Ltd	Pass
Saltash Enterprises Ltd	Pass
Niblock (Builders) Limited	Pass
Thomas Sinden Limited	Pass

26. Tenderers were required to complete a scheme specific schedule of rates. The price evaluation included the pricing of an actual works package plus rates for composite items. Separately tendered percentages applied to overheads and profit. The costs obtained for this scheme are based on the rates tendered within the framework. This does not preclude the contractor from offering a lower rate than the framework tender.
27. It should be noted that fixed programme duration was not stipulated within the tender documents, contractors were given flexibility in this regard to suit their own sequence of works.
28. It should be noted that the contract for Brydale House QHIP 16/17 programme, was tendered along side the QHIP tender for the neighbouring sister block at Addy House. The projects were not tendered as a package together and had separate schedules and ITT's.
29. All priced documents submitted were checked for arithmetical errors and general compliance with the tender requirements by our consultant quantity surveyor from Calfordseaden LLP.
30. The council's appointed quantity surveyor has confirmed that the pricing has been checked in line with the framework's schedule of rates and confirmed that they are a combination of equal to lower rates set out on the framework.
31. Therefore, on the basis of the mini-tender submitted, the contractor recommended for this scheme is A&E Elkins Ltd

Plans for monitoring and management of the contract

32. The performance of the framework contractors is monitored and managed by the investment team in accordance with the framework. Each project manager in the investment delivery team or other departmental officers calling from the framework provide a quarterly monitor on the performance of the framework contractors on the schemes they are working on as the framework contractors are expected to achieve certain targets set out in the Key Performance Indicators (KPIs) around the areas of time, cost and quality.
33. The framework contractors are monitored against these KPIs on a regular basis as if the framework contractors fail to perform to the required standard, their 'call-off' contract(s) can be terminated, their mini-competition opportunities can be restricted or they can be removed from the framework.
34. It is confirmed that this framework contractor has had 0 contracts terminated, 0 mini-competition opportunity exclusions and they have not been removed from the framework for Lot 1.
35. These 'call-off' contracts, whilst predominantly design and build contracts, have all design and work proposals examined and checked by both internal lead designers and cost consultants or by one of the council's professional technical services consultants, Calfordseaden LLP or PRP. It is confirmed for this scheme the lead design services will be provided by Calfordseaden LLP and cost management by Calfordseaden LLP.
36. The spend and performance is monitored by the Head of Investment and reported each quarter to the major works core group led by the Deputy Leader and Cabinet Member for Housing, the Housing Investment Board led by the Strategic Director of Finance and Governance.

Health and Safety Plan

37. The CDM 2015 regulations require a developed health and safety plan to be in place prior to commencement of works and the appointment of the principal designer at scheme inception. It is confirmed that the principal designer role will be provided by Calfordseaden LLP, who were appointed on 26 February 2016. Works will not commence on site until it is confirmed that the health and safety plan is sufficiently developed for the type of works proposed.

Leasehold Implications

38. Formal legal consultation with leaseholders has been undertaken by the council's specialist housing services team. The works will be rechargeable and estimated as per point 59.

Financial Implications

39. In addition to the works cost, it is considered prudent to add a 5% risk contingency fund, as identified in paragraph 2 above, to the contract sum to allow for any unforeseen issues. Any additional works will be agreed with the lead designer and project manager and any costs arising due to any unforeseen works will be agreed by the quantity surveyor.

Legal Implications

40. It is confirmed that this scheme falls under Lot 1 and the 'call-off' contract to be used is JCT Intermediate Building Contract with Contractor's Design 2011. The contract documentation will be passed to legal services to formalise a contract for the scheme in due course.

Consultation

41. Consultation meetings were held with residents on 26 April and 17 July 2016 to discuss the scope of works. In addition, the leaseholders meeting are due to be held at the meet the contractor drop in session to discuss the contributions. All residents, the T&RA and local councillors will be written to advise the commencement date of the works and a further meeting will be held to introduce the contractor.
42. Regular meetings will be held with resident representatives during the course of the works to provide regular updates and address any concerns that may arise. Regular newsletters will be issued as the works progress and residents will be invited to regular coffee mornings. In addition a resident's project board will be established to discuss the works once the project comes to site. The resident project board will meet on a monthly basis for the duration of the works package.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (H&M17/090)

43. The report is requesting delegated approval from the Strategic Director of Housing and Modernisation to award the "1-96 Brydale House QHIP 16/17" works via a mini-competition tender from the major works constructor framework to A&E Elkins Ltd for a period of 30 weeks.
44. Any other costs connected to this contract are to be contained within the existing departmental revenue budgets.
45. There is an estimated resource shortfall for the Housing Investment Programme for 2017/18 and also over the whole life of the programme. There is also likely to be further demand on the capital programme as a consequence of local or national demands for resources following the Grenfell fire. It is, therefore, important that the cost of these works is carefully monitored and that accurate forecasting is in place.
46. Any variation or extension to the contract beyond the scope of this report will require further approval in line with council's procurement protocols.

Director of Law and Democracy

58. The legal implications are contained in the main body of this report. At this value, a legal concurrent is not required.

Director of Exchequer (for housing contracts only)

59. These are works of repair and are therefore chargeable to leaseholders under the terms of their leases.

There are 24 leasehold properties and 1 RTB applicant included in the contract that will be affected by the works. In accordance with the Landlord and Tenant Act 1985 (as amended)

section 20 notices of intention were Notices of Intention for were served on 18 October 2016 and the observation period ended on 22 November 2016.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the Council's Scheme of Management, I authorise action in accordance with the recommendation contained in the above report.

Signature.....R. Selley..... Date 31/1/18.....
Richard Selley, Director of Customer Experience

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions which are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available.

1. DECISION(S)

As set out in the recommendations of the report.

2. REASONS FOR DECISION

As set out in the report.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION

Not applicable.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION

Not applicable.

5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

Not applicable.

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

or

I declare that I was informed of the conflicts of interests set out in Part B4.*

(* - Please delete as appropriate).

BACKGROUND DOCUMENTS

Title:	Held at	Contact
Major works project file	160 Tooley Street, SE1 2QH	Gavin Worth Ext 50057

APPENDICES

Appendix number	Title of appendix
n/a	

AUDIT TRAIL

Lead Officer	Ferenc Morath – Head of Investment		
Report Author	Winston McLeod– Contract Manager		
Version	Final		
Dated	29 January 2018		
Key Decision	Yes	If yes, decision date on forward plan	
CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER			
Officer Title	Comments Sought	Comments Included	
Strategic Director of Finance and Governance	Yes	Yes	
Director of Law and Democracy	Yes	Yes	
Director of Exchequer	Yes	Yes	
Cabinet Member	n/a	n/a	
Date final report sent to Constitutional Officer			31 January 2018

