

Item No:	Classification: open	Date: 1 November 2018	Decision Taker: Strategic Director of Housing & Modernisation
Report title	Gateway 2 – Major works constructor framework (Lot 1) Arica House Phase 2		
Ward(s) or groups affected	Rotherhithe Ward		
From	Head of Investment		

RECOMMENDATIONS

1. That the strategic director of housing and modernisation approves the award of the Arica House Phase 2 via a mini-competition from the major works constructor framework to Saltash Enterprises Ltd for a period of 40 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 his 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 roof cleaning & repairs, fabric repairs, rainwater goods, window replacement, front entrance doors replacements, external decorations, kitchen and bathroom replacements and electrical upgrades and repairs; to serve the properties (tenanted and leasehold) to the above properties. Lot 1 is applicable to these works.
6. The duration of the works is 40 working weeks.
7. Works are expected to start on 7 January 2019 and complete on 11 October 2019.

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)	05/10/2017
Mini competition invitation	27/03/2018
Closing date for return of tenders	22/05/2018
Completion of evaluation of tenders	27/06/2018
Issue Notice of Proposal (Applies to Housing Section 20 Leaseholder Consultation)	31/07/2018
Notification of forthcoming decision – Five clear working days	01/11/2018
Approval of Gateway 2: Mini competition award report	12/11/2018
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	21/11/2018
Contract award	26/11/2018
Add to Contract Register	26/11/2018
Contract start	07/01/2019
Publication of award notice on Contracts Finder	07/01/2019
Contract completion date	11/10/2019

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

8. This scheme consists of works to Arica House on the Slippers Place Estate in the Bermondsey & Rotherhithe area. This includes 25 leasehold and 2 Right to Buy properties. The address details are as follows:

Block Address
1-88 Arica House London, SE16 2EH

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

Policy Implications

10. This scheme is a follow on from WDS works but is also now designed to deal with work to meet the Quality Homes Investment Programme (QHIP) which includes works to maintain decency and deliver the council's commitment to a quality kitchen and bathroom.
11. Planning consent is required for the works being undertaken within this scheme.
12. As part of the overall procurement process for this framework, Saltash Enterprises Ltd was 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 1pm on 8 May 2018, however a further 2 weeks was added to the tender period with a revised deadline for 22 May 2018 in order to respond to queries raised by the contractors. The list of contractors invited are as follows:
 - Saltash Enterprises Ltd
 - Standage & Co. Ltd
 - Thomas Sinden Ltd
 - Architectural Decorators Ltd
 - A& E Elkins Ltd
 - Niblock (Builders) Ltd
18. Six (6) tenders were returned.

Mini-competition Evaluation

19. The tenders were evaluated in line with the rules set out in the framework.
20. Representatives from Calfordseaden LLP 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
Saltash Enterprises Ltd	Pass
Standage & Co Ltd	Pass
Thomas Sinden Ltd	Pass
Architectural Decorators Ltd	Pass
A&E Elkins Ltd	Pass
Niblock (Builders) Ltd	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. Prices were sought from 6 contractors within this Lot 1, and the results were as follows:

Contractor
Saltash Enterprises Ltd
Standage & Co Ltd
Thomas Sinden Ltd
Architectural Decorators Ltd
A&E Elkins Ltd
Niblock (Builders) Ltd

28. 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 both equal to or lower than the rates set out on the framework.
29. Therefore, on the basis of the mini-tender submitted, the contractor recommended for this scheme is Saltash Enterprises Ltd.

Plans for monitoring and management of the contract

30. 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.
31. 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.

32. 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.
33. 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 Potter Raper Partnership Ltd. It is confirmed for this scheme the lead design and cost management quantity surveyor services will be provided by Calfordseaden LLP.
34. 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

35. 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 15 April 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

36. Formal legal consultation with leaseholders has been undertaken by the council's specialist Housing Services team.

Financial Implications

37. The works identified in this report form part of the Housing Investment Capital programme.

Legal Implications

51. 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

52. Consultation meetings were held with residents on 14 March 2017, 25 May 2017, and 24 January 2018, to discuss the scope of works. In addition, a leaseholders meeting was held on 22 August 2018 to discuss their 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.
53. 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&M18/048)

54. The report is requesting delegated approval from the strategic director of housing and modernisation to award the works contract entitled "Arica House Phase 2" via a mini-competition from the major works constructor framework to Saltash Enterprises Ltd for a period of 40 weeks
55. There is an estimated resource shortfall for the Housing Investment Programme for 2018/19. There is also likely to be further demand on the capital programme as a consequence of local or national

demand for resources following the Grenfell fire. It is therefore important that the costs of these works are carefully monitored and that accurate forecasting is in place.

56. Any extension or variation of the contract beyond the scope of this report will require further approval in line with the council's procurement protocols.

Director of Law and Democracy

57. Please refer to paragraph 51.

Director of Exchequer (for housing contracts only)

58. These are works of repair and are therefore chargeable to leaseholders under the terms of their leases.
59. There are 25 leaseholders and 2 Right to Buy 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 served 29 June 2017 and expired on 11 August 2017. There was no observation received from leaseholders that would lead to a delay in ordering the works.
60. Section 20 notices of proposal were served on 25 July 2018 and expired on 27 August 2018. There were no observations received from the leaseholders that would lead to a delay in ordering the works.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the Council's Contract Standing Orders, I authorise action in accordance with the recommendation contained in the above report.

Signature.....

Date 13 November 2018

Michael Scorer, Strategic Director of Housing and Modernisation

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

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

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	Courtland Fletcher 020 7525 1145

APPENDICES

Appendix number	Title of appendix
n/a	

AUDIT TRAIL

Lead Officer	Ferenc Morath, Head of Investment		
Report Author	Courtland Fletcher, Contract Manager		
Version	Final		
Dated	10 September 2018		
Key Decision	Yes	If yes, decision date on forward plan	November 2018
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	
Cabinet Member	n/a	n/a	
Date final report sent to Constitutional Officer	12 November 2018		

BACKGROUND DOCUMENT – CONTRACT REGISTER UPDATE - GATEWAY 2

Contract Name	Arica House Phase 2 Quality Homes Investment Programme 2017/18
Contract Description	WDS Follow on works (incorporating QHIP)
Contract Type	JCT Intermediate Building Contract with Contractor's Design 2011
Lead Contract Officer (name)	Courtland Fletcher
Lead Contract Officer (phone number)	020 7525 1145
Department	Housing and Modernisation
Division	Asset Management
Procurement Route	'Call-off' Major Works Constructor Framework
EU CPV Code (if appropriate)	N/A
Departmental/Corporate	Departmental
Fixed Price or Call Off	
Supplier(s) Name(s)	Saltash Enterprises Ltd
Contract Total Value	
Contract Annual Value	
Contract Start Date	7 January 2019
Initial Term End Date	11 October 2019
No. of Remaining Contract extensions	0
Contract Review Date	N/A
Revised End Date	N/A
SME/ VCSE (If either or both include Company Registration number and/or registered charity number)	01977118
Comments	N/A
London Living Wage	Yes

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