

Item No.	Classification: Open	Date: 24 November 2014	Decision taker: Chief Executive
Report title:		Gateway 2 - Contract Award Approval Direct housing delivery – Proposed new build general needs housing at Gatebeck and Southdown Houses, Pytchley Road, East Dulwich Estate, SE22 – appointment of contractor for main construction works	
Ward(s) or groups affected:		East Dulwich	
From:		Head of Regeneration – Capital Works	

RECOMMENDATION(S)

That the Chief Executive approves:

1. The award of the main works contract for the general needs housing at Gatebeck and Southdown Houses, Pytchley Road, East Dulwich Estate, SE22, to Geoffrey Osborne Limited in a total sum of £7,126,993 (comprising of Gatebeck in the sum of £2,765,481 and Southdown in the sum of £4,361,512);
2. Notes that the contractor is to be awarded one works contract with two sectional completion dates for the two new build blocks described under paragraph 1 above; commencing on 26 January 2015 (excludes 4 weeks mobilisation period starting from 17 December 2014). The contract periods are 50 and 59 calendar weeks for Gatebeck and Southdown respectively;
3. Approves a provisional allowance for an anticipated design fee claim in the sum of £135,000 for the main works contract (sum excluded under paragraph 1, see paragraph 26), settlement of which will be subject to a further report.

BACKGROUND INFORMATION

4. The October 2012 cabinet meeting approved proposals for working up the following schemes as Phase 1 of the overall programme for the direct delivery of new council housing on council owned sites:

Phase 1A comprise of the site at Willow Walk.

Phase 1B is divided into 2 lots.

Lot 1:

- Sites of Southdown House and Gatebeck House, East Dulwich Estate
- Clifton Estate, garage site fronting Clayton Road
- Masterman House, garage site fronting Masterman Tower block
- Cator Street extra care – vacant area fronting the existing learning and resource centre
- Cator St (Centre of Excellence) – refurbishment and retrofitting works to the existing learning and resource centre

Lot 2:

- Nunhead Green Site B
- 169 Long Lane - former Borough and Bankside housing office
- 80 Sumner Road - vacant former housing site

5. Gateway 1 proposals for procuring contractors and construction works for the various sites, under the Improvement and Efficiency South East (iESE) regional framework arrangements for construction and management using the design and build method was approved by the leader of the Council on 21 January 2013.
6. On 28 February 2013, the cabinet member for regeneration and corporate strategy approved the appointment of Mott MacDonald Ltd ("Mott MacDonald") under the iESE/GPS professional consultancy framework. Mott MacDonald was appointed to provide the following multidisciplinary services for the Phase 1B development under the iESE/GPS professional consultancy framework:
 - Lead Consultant/Project Manager/ Client's Agent
 - Architect
 - Quantity Surveyor
 - Structural Engineer
 - Building Services Engineer
 - Civil Engineer
 - CDM Co-ordinator
7. On 18 October 2013, the cabinet member for regeneration and corporate strategy approved the appointment of Geoffrey Osborne Limited and Morgan Sindall plc for the project sites under Lots 1 and 2 respectively, to provide pre-construction (Stage 1) services under the iESE contractor framework.
8. This project has obtained approval for partial funding from the GLA. One of the criteria for the funding was that the project needed to complete by March 2016.
9. In summary, the proposed development comprises at
 - Gatebeck - 9 general needs housing units for social rent, contained in a 3 storey block, with a mix of 2 and 3 bedroom apartments
 - Southdown - 18 general needs housing units of which 10 units are for social rent and 8 units for sale under shared ownership, contained in a 4 storey block, with a mix of 2 and 3 bedroom apartments
10. The site location plan can be found in Appendix 1. The bar chart given in Appendix 2 shows the overall project programme and highlights activities relating to the main works package in red.

Procurement project plan (Key Decision)

11. The procurement plan is as follows:

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	October 2014
Approval of Gateway 1: Procurement Strategy Report	21 Jan 2013

Issue Notice of Intention	N/A
Invitation to tender	20 Dec 2013
Closing date for return of tenders	11 Aug 2014
Completion of evaluation of tenders	13 Nov 2014
Issue Notice of Proposal	N/A
DCRB Review Gateway 2	24 Nov 2014
CCRB Review Gateway 2	N/A
Notification of forthcoming decision – Five clear working days	1 Dec 2014
Approval of Gateway 2: Contract Award Report	8 Dec 2014
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	9 Dec 2014
Alcatel Standstill Period (if applicable)	N/A
Contract award	16 Dec 2014
Add to Contract Register	17 Dec 2014
Contract start	17 Dec 2014
TUPE Consultation period	N/A
Publication of award notice in Official Journal of European (OJEU)	N/A
Contract completion date	March 2017
Contract completion date – if extension(s) exercised	N/A

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

12. The intended outcome of this procurement is to deliver two new build general needs housing blocks of flats, ready for occupation, by March 2016.
13. Subject to the approval of this gateway report for the works contracts, the project when completed will comprise 10 new council homes for social rent and 8 new homes for sale under the shared ownership scheme.

Key/Non Key decisions

14. This report deals with a key decision.

Policy implications

15. The proposed developments in Phase 1B form part of the overall Direct Delivery programme to develop 1500 new council homes by 2018. Homes delivered as part of the Direct Delivery programme will assist in increasing the supply of good quality affordable housing and will contribute the following targets;
 - Policy 5 of the Core Strategy sets a housing target for the borough of 24,450 net new homes between 2011 and 2026 (1,630 per year).
 - The London Plan sets the borough a housing target of 20,050 net new homes between 2011 and 2021 (2,005 per year)
 - Core Strategy policy 6 sets an affordable housing target of 8,558 net affordable housing units between 2011 and 2026.
16. Sharing the benefits of economic growth and regeneration is an underpinning principle in implementation of the Southwark Economic Development strategy 2010 - 2016. Direct Delivery has the potential to support the strategy by engaging with housing partners and council contractors to identify and develop entry points for priority groups to access local employment and training opportunities, promote and develop apprenticeships and work placements and embed local economic benefits into procurement.

Tender process

17. The selection process for the contractor followed standard procedures and working practices set out in the iESE framework arrangements as outlined in the Gateway 1 report dated 21 January 2013. The Gateway 1 provides further detailed information on the main features and benefits of the iESE framework arrangements.
18. As previously stated in the gateway 1 report, a mandatory feature of the iESE framework arrangements is the early involvement of the contractor by means of a transparent, two-stage process, comprising:

Stage 1 (pre-construction)

- Fully developing the consultant's design proposals from RIBA Work Stage E onwards
- Packaging and competitively tendering the works on an open book basis
- Submitting Contractor's Proposals and Pricing Document, including the proposed contract sum, for decision by the council.

Stage 2 (construction) – subject to a separate Gateway 2 approval

- Carrying out and completing the works in compliance with the contract documents for:
 - enabling works (where necessary)
 - main works

19. The process described in paragraph 18 would give rise to the following gateway reports:

From the Stage 1 process - a gateway 2 report for preconstruction services (the first gateway 2 report)

- From the Stage 2 process:
 - a gateway 2 report for enabling works (the second gateway 2 report)

- a gateway 2 report for main works (this report)

20. With this two stage approach to procurement, there is an expectation and likelihood that the contractor appointed for pre-construction services would be appointed for the works contract, subject to the formal decision of the contracting authority to proceed.
21. This report deals with the third gateway 2 report as outlined in paragraph 19 above for the project at Gatebeck and Southdown sites only. The procurement and appointment of a main contractor for the other sites listed under Phase 1B of paragraph 4 will be subject to separate gateway 2 reports.
22. The design and specification for the project was developed by the consultant team under the direction of Mott MacDonald Ltd, which together with the overall scheme proposals were issued to Geoffrey Osborne Ltd in the form of Employer's Requirements. Final information was issued to the contractor on 20 December 2013.
23. Following the process of design development and packaging of the scheme proposals, the contractor obtained competitively tendered prices for the various packages which, together with their construction phase core costs (previously tendered and reported in the Gateway 2 for pre-construction services) combine to make up the proposed contract sum for the main works.
24. It is to be noted that when the contractor carried out their procurement process, they encountered difficulties in obtaining competitive quotations from their sub-contractors and suppliers. This is a result of the current high demand of construction work in London and low supply of labour and materials. The procurement period was also slightly lengthened because of this. The proposed contract sum and contractor's proposals were to be submitted on 21 July 2014 but was received on 11 August 2014. Throughout the process, the council officers and the consultancy team was kept informed of the progress and regular updates including the issuance of procurement schedules by the contractor.
25. Tendered prices and an apportionment of relevant core costs for the main works package, were submitted as part of the contractor's proposals to the council and the consultant quantity surveyor for evaluation on 11 August 2014, in the proposed sum of £3,155,623 for Gatebeck and £4,923,043 for Southdown.
26. It is anticipated that the contractor will submit an additional design fee claim due to a number of changes to the design since the employment's requirements were issued to the contractor in December 2013. The design changes were a result of detail design development, further consultations with Planning Department, Secured by Design and officers from Housing Management and Maintenance. The additional fee claim will be interrogated and evaluated thoroughly by the consultancy team and council officers prior to agreeing to a settlement sum.

Tender evaluation

27. Discussions were held between the contractor, council officers and the design team to clarify a number of items in the proposed scope including correction of any arithmetical errors.
28. Clarifications on certain matters not limited to the significant high risk allowance and increased preliminaries, including the contractor obtaining more competitive

sub-contractor quotes along with commercial adjustments, lead to the contractor submitting revised contract sums of £2,799,189 for Gatebeck and £4,463,697 for Southdown (a total of £7,262,886).

29. The contractor's revised pricing was arithmetically checked and the consultant quantity surveyor confirmed and agreed with the contractor that there was an error in the revised pricing. The contract sum analysis was corrected to £2,765,481 for Gatebeck and £4,361,512 for Southdown (a total of £7,126,993). A breakdown of the contractor's prices can be found in Appendices 3A and 3B of the closed report
30. The consultant quantity surveyor confirmed that the percentage fees for overheads and profits for Gatebeck was lower than the IESE framework rates. The contractor confirmed that the proposed percentage was correct. The percentage fees for overheads and profits for Southdown was in line with the IESE framework rates. The consultant quantity surveyor further confirmed that the percentage fees for insurances were in line with the IESE framework rates for the project.

Value for money (VfM) appraisal

31. The proposed contract sum analysis has been identified as being higher than what would be deemed value for money for this project. The reasons for the increase are:
 - Overheating of the construction market due to current demand leading to significant increases in sub-contractors costs for labour and materials. This equates to approximately 60% of the cost increase.
 - Size and scale of project – the relatively small scale project coupled with the overheated market has further increased the costs as sub-contractors are not prepared to undertake small scale work where profit margins are significantly less. Generally greater reductions in cost are found in larger schemes, where a more standardised and repetitive approach can be adopted to achieve an economy of scale. Smaller schemes in contrast tend to be bespoke and constrained by such factors as orientation, proximity to adjoining structures and difficult site logistics, and have a higher ratio of common areas to residential units, making them less economic and commercially attractive.
 - Sub-contractor packages – the contractor has received disappointing responses from their supply chain with regard to their tender packages. Per paragraph 24, although the procurement process was protracted, the minimum number of competitive quotations were received for the main work packages.
 - The extent of project-specific abnormal costs (that is construction costs that are not typical for the development) accounts for an additional sum stated in paragraph 34 of the closed report. These abnormals are not limited to the following: piling, use of gabion walls at Southdown (for the basement carpark), composite windows (for durability and less maintenance), higher specifications for the external wall (to achieve better energy efficiency), provision of pv, inclusion of certain environmental works to the wider East Dulwich Estate.
32. The resultant VfM comparison indicating the difference between the BCIS Benchmark rate and the comparable rates from Geoffrey Osborne's proposed

contract sums is in the closed report.

33. To mitigate and to further reduce the price in order to provide a scheme that is in line with a value-for-money rate, the Council could carry out one of the following:
- Continue to negotiate with the contractor to obtain further savings by allowing them to continue to re-tender packages to provide further savings. It is considered that this will not produce the significant savings required and in addition further costs may be incurred due to inflation as well as project programme will not be achieved (paragraph 8).
 - Undertake a re-tender exercise with other contractors or invoke the 'reserve contractor status' under the Partnering Agreement described under paragraph 41.
34. Acceptance of Geoffrey Osborne's proposals rather than re-tendering is recommended for the following reasons:
- Re-tendering will incur significant programme delays (estimated from six to nine months depending on procurement approach adopted) as well as abortive costs for design and management fees;
 - There is no certainty that costs will reduce if the project was competitively re-tendered, particularly in the current market;
 - Time and effort spent by Mott MacDonald and council officers with Geoffrey Osborne in fully developing acceptable design proposals and on the control and management of risk would have to be re-established with the new contractor;
 - Knowledge and understanding of the Council's quality expectations, particularly in low maintenance costs would also have to be re-established with a new contractor;
 - The partial GLA funding mentioned in paragraph 8 above will be lost as it is subject to completing the project by March 2016; and
 - Even if the 'reserve contractor status' in the Partnering Agreement was invoked, there is no certainty that Morgan Sindall plc can or will take the additional project as it would be subject to their current workload. The option of bringing in the reserve contractor is not being taken up because of the substantial delay and additional/abortive costs that this is likely to incur.

In summary, the estimated costs of re-tendering the works could substantially outweigh the VfM variance from the benchmark rate under paragraph 32 of the closed report.

Conclusion

35. Based on the foregoing evaluation and the high risk of uncertainty that further savings could be made, Geoffrey Osborne Ltd has submitted acceptable Contractor's Proposals for the main works package and their price in the sum of £7,126,993 (comprising £2,765,481 for Gatebeck and £4,361,512 for Southdown), is therefore, recommended for acceptance.
36. The proposed form of works contract for the Stage 2 contractor appointment is JCT Agreement Design and Build 2005 (Revision 2 2009), incorporating council's standard and special amendments to the conditions of contract as advised by the contracts section of legal services.

37. A breakdown of the contractor's pricing for the main works packages as submitted by the contractor and the revised sums is included in Appendices 3A and 3B of the closed report.
38. The contractor is in the process of developing their construction stage health and safety plans for the individual sites. Written confirmation is required from the CDM-Coordinator that their construction plans were received and had been sufficiently developed before the main works commence.

Plans for the transition from the old to the new contract

39. Not applicable.

Plans for monitoring and management of the contract

40. The project clienting, including the management and administration of the consultant and contractor appointments, will be run and resourced through the through the Regeneration - Capital Works team in conjunction with the Housing - Major Works team. Progress with the contract works and performance of the consultant team will be subject to constant scrutiny and monthly formal review, including reviews on cost, programme and quality. The experienced officer client team will use a number of mechanisms for monitoring and controlling the financial and programme performance of the contract, including:

- Strategic cost plan, which will be regularly reviewed and updated
- Monthly financial statements by the consultant quantity surveyor/contractor
- Monthly appraisals of progress against the contract programme
- Monthly progress reports by:
 - The lead consultant
 - Main contractor
 - Other design consultants
- Monthly progress meetings on site
- Tracking and chasing actions on critical issues
- Monthly 'look ahead' meetings with principals / directors
- Periodic project team 'look ahead' workshops covering key phases of work and risks
- Risk and issues logs

41. In addition, Geoffrey Osborne Limited was required to enter into a Partnering Agreement with the council and the contractor for Lot 2 that is Morgan Sindall plc. This agreement overlays the separate contracts between each contractor and the council and provides a mechanism for managing performance and efficiencies across the Direct Delivery Programme, embracing topics such as supply chain development, continuous improvement, employment and training opportunities and reserve contractor status. The form of agreement was included in the mini-competition documents at the point of procurement of contractors.

Identified risks for the new contract

42. An assessment of risks and mitigation measures has been conducted, as follows:

RISK	RISK LEVEL	MITIGATION ACTION
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RISK		RISK LEVEL	MITIGATION ACTION
1.	Contractor has inadequate resources and management arrangements to deliver the main works project	Low	Ensure prior to appointment – (1) that the contractor plans to deploy adequate resources and is willing to supplement additional resources to the project, if required. (2) that the contractor proposes to put adequate management arrangements in place to deliver the project.
2.	Insolvency of framework contractor	Low	An up-to-date Experian check was obtained and this found the contractor to be at 'low risk'. Geoffrey Osborne Limited to provide of a performance bond as a condition of contract. Include provision for 'reserve contractor' in the works contract packages. Closely monitor performance of firms once appointed.
3.	Award of contract delay disrupts pre-ordering programme	Low	Adhere to procurement timetable. Allow provision within contract sum for cancellation charges and costs.
4.	Construction delays on site due to: <ul style="list-style-type: none"> • Hidden obstructions below ground • Contamination below ground • Discovery of antiquities • Unexploded bombs 	Low	Desktop studies and non-intrusive surveys have been undertaken to anticipate and plan for potential hazards on site. Investigation and remediation works undertaken in enabling works contract have de-risked the site in readiness for the main contract works.
5.	Construction delays on site and additional costs	Low	Pre-order components with long delivery period. Ensure that site operations are thoroughly and realistically planned by the contractor, prior to commencement of the works. Allow appropriate contingency provision in the programme to cover possible loss and expense claims arising from delay and disruption of the works. Include Liquidated Damages for non-completion of contract by the contractor.

RISK		RISK LEVEL	MITIGATION ACTION
6.	Significant design and/or latent defects emerge post completion.	Low	Quality control regime to be put in place. Clerk of works to be employed.
7.	Default by key subcontractor/supplier.	Low	A select list of well established sub-contractors by trade maintained by the main contractor, which includes financial health checks and performance monitoring.
8.	Belated, uncoordinated or contradicting client instructions.	Low	Ensure effective forward planning, communications and co-ordination with all relevant parties to the decision-making process.
9.	Failure of contractor to co-ordinate effectively with statutory undertaker gives rise to programme delay.	Low	Contractor to maintain early dialogue with utilities companies to ensure compliance with their technical requirements and lead-in times.

Community impact statement

43. The proposals to increase the supply of affordable, good quality homes will benefit households in need from all Southwark's communities.
44. Those living in the vicinity of the new developments may experience some inconvenience and disruption in the short-term, while works are taking place but that communities as a whole will benefit in the longer term from the new homes. In local areas, the effects will be eased, in part by working closely with residents on the delivery process, and also through the specific planning requirements to mitigate the effect of development in that local area.
45. The project manager will be responsible for monitoring the performance of the contractor who will carry out the works under the Considerate Contractor scheme, which seeks to minimise disturbance and disruption in the locality.

Sustainability considerations

46. The Public Services (Social Value) Act 2012 requires the council to consider a number of issues including how what is proposed to be procured may improve the economic, social and environmental well-being of the local area. These issues are considered in the following paragraphs which set out economic, social and environmental considerations.

Economic considerations

47. The successful works contractor will be expected to deliver direct benefits to the local community and local residents. It is proposed that these benefits will be delivered through some or all of the following possible means during the enabling

works contracts, if available and possible but especially so during the progress of the main construction works:

- Supply chain and procurement with local businesses;
- Use of local labour and training initiatives, including a construction employment, skills and training scheme linked to the council's Building London Creating Futures programme, which aims to match local residents with construction vacancies especially where these are linked to key development sites and regeneration activities;
- A commitment to construction apprenticeships in proportion to the size and scale of the development; and
- Corporate social responsibility and sustainability.

48. The Planning Consent Conditions for the project included targets for employment and training opportunities. The indicative target requirements was included in the mini-competition pack of information and made known to the tenderer. Discussions have commenced with the contractor on their detailed proposals for implementation on award of the main works contract. An employment and training package for the project will be agreed in consultation with the senior strategy officer of the chief executive's corporate strategy team.
49. Construction personnel and, once occupied, staff, residents and visitors using the new building are likely to bring economic benefit to local traders through increased trade.

Social considerations

50. The projects will provide new high quality general needs affordable housing for local people in need of suitable accommodation from the council's housing register.
51. The appointed contractor will carry out the works under the Considerate Contractor scheme, which seeks to minimise disturbance and disruption in the locality during the construction phase.
52. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, contractors and subcontractors engaged by the council to provide works or services within Southwark pay their staff at a minimum rate equivalent to the LLW rate. It is expected that payment of the LLW by the successful contractor for this contract will result in quality improvements for the council. These should include a higher calibre of multi-skilled operatives that will contribute to the delivery of works on site and will provide best value for the council. It is therefore considered appropriate for the payment of LLW to be required. Anticipated benefits include a more incentivised workforce and improved staff retention. Following award, these quality improvements and any cost implications will be monitored as part of the contract review process.

Environmental considerations

53. The Code for Sustainable Homes requirements will cover the construction process as well as design and specification and will set targets for minimising the adverse environmental impact of carrying out the works for each project.

54. The project briefs prescribe materials and components to be specified for the works. In terms of excluded construction materials, good practice is to be adopted:
- Asbestos products: not to be specified
 - Brick slips: only to be used where cast onto pre-cast elements as risk of failure is unacceptably high
 - Man-made mineral fibre (MMMMF): the material to be encapsulated in all applications
 - No insulation materials in which hydro fluorocarbons (HFCs) are used in their manufacture or application
 - No hardwood unless from FSC or equivalent sources.
55. A low energy, efficient and cost effective building engineering services design that keeps running costs to a minimum, will be an essential component of the project brief. Key considerations will include:
- Consideration of whole life-cycle costs;
 - Sustainable sourcing, including locally produced materials and, where possible, timber from renewable resources.
 - Selection of contractors should take into account their environmental policies;
 - Incorporation of environmentally benign heating and lighting provision;
 - Provision of facilities and equipment to encourage the re-use and recycling of materials including, where practicable, water recycling;
 - Ensuring project achieves Code for Sustainable Homes criteria

Market considerations

56. The successful tenderer is a private organisation.
57. The successful tenderer has over 250 employees.
58. The successful tenderer has a national area of activity.

Staffing implications

59. The staff resources deployed to this procurement is sufficient to meet the proposed timetable.
60. The project will be resourced by existing staff, within existing budgets.
61. Officer time relating to the management of this project is funded from existing revenue budgeted resources.

Financial implications

62. The cost of the contract including the estimated design cost is £7,261,993 as reflected in the report. These costs form part of the budget allocated to Gatebeck and Southdown under the Direct Delivery programmed works. This budget will be incorporated into the Housing Investment Capital programme and a new capital code will be set up to monitor the cost of this scheme.

63. The above costs and budget will be met from the overall budget allocation for the various Direct Delivery projects under Phase 1B (including this scheme) recently approved by Housing Investment Board on 26 November 2014. This capital budget variation to the Housing Investment Programme will be included in the 2014/15 quarter 3 capital monitor report to cabinet for formal approval.
64. It is expected that the "Direct Delivery" capital programme will be funded from a combination of grants, S106 Affordable Housing fund, the element of RTB receipts that are ring-fenced for the construction of new homes and receipts from homes for sales properties.
65. As part of the expected funding, an application will be submitted to Planning Committee in February 2015 to release some of the S106 Affordable Housing Funds towards the delivery of the phase 1B schemes.
66. Southwark has also successfully bid for the GLA grant "Building the Pipeline". However, it is expected that some of the grants may not be utilised due to conditions and time restrictions placed on this grant aid by the GLA.
67. The table showing the budget profile for this scheme is contained in the closed report.
68. Staffing and any other costs connected with this contract will be contained within existing departmental revenue budgets.
69. The shared ownership (equity share) units in Southdown will be sold by a sales agent managed and appointed by the Council's property team and ongoing management retained by the Council's Specialist Housing Services.

Investment implications

70. Nil

Second stage appraisal (for construction contracts over £250,000 only)

71. Not applicable

Legal implications

72. All legal implications regarding this award are dealt with in the body of the report. The report has been reviewed by officers from legal services.

Consultation

73. The design briefs for general needs have been developed in consultation with 'user client' officers and make it clear that the council is seeking developments that are not only attractive and functional in their design but also durable, easy to maintain and with low running costs.
74. The council has consulted with the neighbouring tenants & residents associations (T&RAs) before design proposals are finalised and during the pre-construction services stage. A thorough consultative exercise with local residents and T&RAs was carried out throughout the planning process. This included a letter/leaflet drop, laminated notices and public meetings/ exhibition. Additionally, the council consulted with the area neighbourhood office a number

of registered providers and private landlords where applicable. Further consultations will be held prior to the main works commencing on site.

Other implications or issues

75. A performance bond will be provided by Geoffrey Osborne Limited.
76. A check on the financial standing of Geoffrey Osborne Limited was undertaken in November 2014. The company was classified as "low risk".

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

77. This report is seeking approval for the award of the main works contract for the general needs housing at Gatebeck and Southdown Houses. The report explains that phase 1B of the direct housing delivery programme has been divided into two lots. Each of the lots was awarded to separate contractors through the IESE professional contractor framework to initially deliver the pre-construction (stage 1) services. There is an expectation that the same contractor would be appointed for the works contracts subject to certain criteria being met to ensure value for money.
78. The report advises that contract sum analysis was identified as being higher than what would be deemed as value for money for this project. Paragraph's 31 – 35 sets out the alternative routes that could be taken to test value for money and concludes that these alternatives would not achieve any better value for money than that of the existing contractor.
79. Paragraph 40 - 41 outlines the monitoring and management arrangements that will be in place during the life of the contract. This should go some way to ensure that a satisfactory outcome is achieved.

Director of Legal Services

80. This report seeks approval of the award of the main works contract for general needs housing at Gatebeck and Southdown Houses, which form part of a corporate programme for the delivery of new council housing.
81. The estimated aggregated value of the proposed works was such that the procurement of the contract would be subject to the application of the EU Procurement Regulations. The report explains that a decision was taken to procure contractors from an existing (iESE) constructor framework, which had itself been procured following an EU complaint competitive tendering exercise. The report also describes the two-stage process prescribed by the iESE framework agreement under which framework contractors are engaged in separate and distinct pre-construction and construction phases of the project.
82. The report notes that the council's interests are to be safeguarded through the inclusion of specific amendments to the standard JCT conditions of contract and that appropriate measures will be put in place to manage the progress of the works and to ensure that delays and other risks to their timely completion are carefully monitored and managed.

83. The decision to approve the proposed contract award is one which is to be taken by the chief executive under the council's Contract Standing Orders ("CSOs") in line with the departmental scheme of delegation. CSOs also require that no contract may be awarded unless the expenditure has been included in approved revenue or capital estimates or has been otherwise approved by, or on behalf of the council. The report the details of the capital budget which has been set aside to fund the proposed contract works and other costs associated with the project.

Strategic Director of Finance and Corporate Services (CAP14/113)

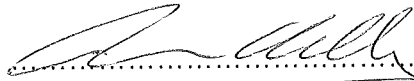
84. The report is requesting delegated approval from the Chief Executive to award the works contract package entitled "Direct housing delivery – Proposed new build general needs housing at Gatebeck and Southdown Houses, Pytchley Road, East Dulwich Estate, SE22" for the sum of £7,126,993 to Geoffrey Osborne Ltd and an allowance of £135,000 for the anticipated design fee claim.
85. The report indicates that the VFM comparison undertaken demonstrates that the tender cost is higher than the BCIS benchmark rate for Gatebeck and Southdown and the report also highlights the reasons for the variation. The strategic director of finance and corporate services notes that the costs of re-tendering in terms of abortive costs and loss of GLA funding will significantly outweigh any potential savings from re-tendering.
86. The financial implication details the funding arrangements for these costs and it is noted that the additional capital budget agreed by the Housing Investment Board recently for the Direct Delivery Projects phase 1b will be included in the 2014/15 quarter 3 capital monitor report to cabinet for formal approval.
87. The strategic director of finance and corporate services notes the financial implications which indicates that the overall cost of the Direct Delivery Programme across the full term is expected to be funded from a combination of grants, S106 Affordable Housing Funds, right to buy receipts and sales receipts but the cash flow implications for the council with regards to the timing of the expenditure and expected income from the above sources needs to be closely monitored.
88. The internal governance arrangements within the department need to be transparent with clear lines of responsibility for managing and delivering the projects within approved budgets.
89. Regular and robust monitoring of the Housing Investment Capital Programme will be required to ensure there are sufficient resources to fund the overall programme on a yearly basis.
90. Staffing and any other costs connected with this contract to be contained within existing departmental revenue budget.

Head of Specialist Housing Services (For Housing contracts only)

91. Not applicable.

FOR DELEGATED APPROVAL

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

Signature 

Date 19.12.14

Designation Chief Executive

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Project records	Regeneration - Capital Works, 160 Tooley Street, SE1 2QH	Bruce Glockling – 020 7525 0138

APPENDICES

No	Title
Appendix 1	Location Plan
Appendix 2	Overall Project Programme – Gatebeck / Southdown

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Regeneration	
Report Author	Bruce Glockling, Head of Regeneration – Capital Works	
Version	Open	
Dated	9 December 2014	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Head of Procurement	Yes	Yes
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
Head of Specialist Housing Services	No	No
Cabinet Member	No	No
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	No	No
Cabinet	No	No
Date final report sent to Constitutional/Community Council/Scrutiny Team	9 December 2014	