

Item No.	Classification: Open	Date: 1 December 2014	Meeting Name: Strategic director of housing and community services
Report title:		Gateway 2 - Contract Award Approval Tabard Gardens Estate (Central Area) Warm, Dry and Safe works	
Ward(s) or groups affected:		Chaucer Ward	
From:		Head of Major Works	

RECOMMENDATIONS

1. That the strategic director of housing and community services approve the award of Tabard Gardens Estate (Central Area) Warm, Dry and Safe works contract to Mears Ltd for a period of 50 weeks.

BACKGROUND INFORMATION

2. The planned procurement strategy was the subject of a Gateway 1 report which was approved on 9 July 2014. The approved competitive tendering procurement strategy was followed.
3. **This is a Key Decision.**
 - The contract is for a period of 50 weeks (plus a four (4) week lead in period).
 - There is no specific extension built into the contract.
 - The contract price is not index linked.
4. External consultants, PRP were appointed on 1 November 2013, by way of an order from the council's Long Term Agreement, to provide the full building surveying functions, the CDM Coordinator's role (CDM-C) required for this project which will commence from award and construction phase to end of defects period.
5. The quantity surveyor (QS) function will be provided post tender from award stage, by the Council's internal in house QS working within the major works team.
6. There have been delays to the original project timings that were advised within the Gateway 1 report. The main reasons for the slippage to the original project plan arose from delays with the preparation and verification of the tender documents and extension of time requirements of Home Ownership Unit (HOU) in order to issue the Notice of Proposals (NOP) to leaseholders.

Procurement project plan (Key Decision)

7.

Activity	Completed by/Complete by:
Forward Plan for Gateway 2 decision	December 2014
Approval of Gateway 1: Procurement Strategy Report	9 July 2014
Issue Notice of Intention	9 May 2014
Invitation to tender	21 July 2014
Closing date for return of tenders	18 Aug 2014
Completion of evaluation of tenders	16 Sep 2014
Issue Notice of Proposal	17 Oct 2014
DCRB Review Gateway 2	1 Dec 2014
Notification of forthcoming decision	9 Dec 2014
Approval of Gateway 2: Contract Award Report	12 Dec 2014
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	22 Dec 2014
Contract award	6 Jan 2015
Add to Contract Register	6 Jan 2015
Contract start	3 Feb 2015
TUPE Consultation period	N/A
Contract completion date	19 Jan 2016
Contract completion date – if extension(s) exercised	N/A

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

8. The works will affect: 1-45 Aylesford House, 1-35 Crayford House, 1-20 Lenham House, 1-15 Otford House, 1-15 Kemsing House, 1-15 Dunkirk House, 1-15 Halling House and 100-102 Long Lane.
9. The proposed works following full surveys comprise of:
 - Renew/repair flat roofs to blocks as required
 - Repair chimneys, soffits and parapets as required
 - Replace/repair rainwater systems and soil pipes where required
 - Carry out structural works to balcony walls and floors where required
 - Carry out repairs to brickwork and concrete
 - Refurbish bin stores in blocks
 - Communal staircase window repair/replacement
 - Renew bathroom elements within council tenanted dwellings
 - Install extractor fans to council tenanted dwellings
 - Upgrade landlord's electrics where required

- Carry out PIR tests to dwellings where required
 - Rewire council tenanted flats as required
 - Address any potential high risks identified under housing health and safety rating system (HHSRS)
 - Undertake asbestos removal to disturbed areas within dwellings and undertake asbestos removal to disturbed communal areas
10. This scheme is a capital scheme which was drawn up by PRP to bring the external elements on the properties up to standards required to meet current legislation. The carrying out of these works will make all properties compliant with the current Warm, Dry and Safe (WDS) standard.

Key/Non Key decisions

11. This report deals with a key decision.

Policy implications

12. This proposed contract for refurbishment of properties on Tabard Gardens Estate (Central Area) maintains the council's obligations to make all properties warm, dry and safe by 2016 as set out by cabinet.
13. Building Control Approval will only be required for specific elements and as such will be sought by way of a 'Building Notice' once work commences. PRP has confirmed that Planning Approval is not required for this scheme.

Tender process

14. As outlined in the Gateway 1 report approved on 9 July 2014, Contract Standing Orders requires a minimum of six contractors to be invited to tender from the council's works Approved List. Tenders were issued to six contractors on 21 July 2014 (contractors collected the tenders from 160 Tooley Street) with instructions to return a completed tender by 12 noon on 18 August 2014 - all from the general works category of the council's works Approved List.
15. No nominations were made by leaseholders.

Tender evaluation

16. Six tenders were returned to 160 Tooley Street on or by 12 Noon on 18 August 2014 and were opened on 19 August 2014.
17. Tenders were evaluated on the basis of M.E.A.T (most economically advantageous tender) using a weighted model of 70:30 price and quality.
18. The tender pricing evaluation process was undertaken by PRP's Quantity Surveyor (QS). The quality evaluation process was assessed individually by one of PRP's partners, PRP's QS and two officers from the major works team.
19. Tenderers were required to provide information to support their quality submission. The quality assessment was weighted in relation to the level of importance put upon each criterion and is detailed in the Tender Evaluation Methodology issued within the tender documents. The results of the quality assessment are summarised in a table in paragraph 23.

20. Tenders submitted are as follows:

Ref	Contractor
1.	Mears Ltd (Mears)
2.	Durkan Ltd (Durkan)
3	Masher Brothers Ltd (Masher)
4	Jerram Falkus Construction Ltd (Jerram Falkus)
5	DW Contractors Ltd (DWC)
6	Star Contractors Ltd (Star)

21. All priced documents submitted were checked for arithmetical errors and general compliance with the tender requirements by PRP.
22. The council considers that all reasonable steps were taken to achieve best value for this scheme.
23. The summary result of the quality evaluation is shown in the table below

Evaluation Criterion	Mears (Score)	Durkan (Score)	Masher (Score)	Jerram Falkus (Score)	DWC (Score)	Star (Score) Non-compliant
Method Statement 1: Mobilisation	7	8	5	0	3	0
Method Statement 2: Health & safety	8	9	4	7	3	0
Method Statement 3: Risk management	9	8	4	6	2	0
Method Statement 4: Resident & leasehold Engagement	8	10	6	7	3	0
Method statement 5: Quality Control	9	9	4	7	3	0

Method Statement 6: Programme Statement	9	8	5	7	3	0
Total Quality Score	25.00	26.00	14.00	17.00	8.50	0
Weighting	12.50	13.00	7.00	8.50	4.25	0

24. In terms of assessing the quality of the method statement proposals, Mears submission was generally acceptable. Paragraphs 30 to 32 identify the management arrangements in place to ensure that a high standard is maintained.
25. The summary results of the evaluation are shown in the schedule below:

Summary Cost and Quality Evaluation						
Rank	Organisation	Price Score - base tender sum	Price Score - schedule of rates	Total Price Score (out of 70)	Quality Score (out of 30)	Total Score (out of 100)
1	Mears	60.00	10.00	70.00	25.00	95.00
2	Durkan	55.65	8.69	64.34	26.00	90.34
3	Masher	43.34*	8.01*	51.35*	14.00	65.35
4	Jerram Falkus	41.24*	-3.41*	37.83*	17.00	54.83
5	DWC	38.69**	0.09**	38.78**	8.50	47.28
6	Star 'non-compliant'	0	0	0	0	0

* Included for completeness but unable to validate/complete

** Withdrew their tender submission

26. Six contractors were invited to tender for the works and all returned tenders. However, one tender was deemed non-compliant, one tender submission was withdrawn and two tenders were included for completeness but unable to validate/complete. The council considers, after taking advice from PRP, that the market was adequately tested. The cost/quality evaluation concludes that Mears Ltd offers the most economically advantageous compliant tender. It is therefore recommended for the acceptance of the tender submitted by Mears Ltd.
27. The date for acceptance of the above tenders will expire on 18 April 2015.
28. A Risk Pot allocation of 5% of the contract sum was agreed at the Gateway 1 approval stage.

Plans for the transition from the old to the new contract

29. Not applicable.

Plans for monitoring and management of the contract

30. The contract will be managed on a day to day basis by PRP who will provide consultancy services for the Tabard Gardens Estate (Central Area) WDS project with QS services being provided from the council's investment delivery team.
31. In addition to PRP, there will be a contract manager, a customer relationship officer and a project manager from the council's major works team allocated to this project. These council officers will monitor PRP and the performance of Mears Ltd and arrange regular meetings with the residents' project team at which contractor performance will be discussed.
32. The council's QS will provide full quantity surveying services for the contract and all costs will be monitored by the QS and PRP and officers from the council's major works team.

Identified risks for the new contract

33. Specific risks identified, impact, likelihood and mitigation controls for this contract are outlined below:

Risk	Impact	Probability	Mitigation
Poor performance or poor quality workmanship.	Medium	Low	Regular meetings to review performance scheduled from the outset. Establish processes of quality control and works inspections before sign off. The contract provides for a 12 month defects liability period for all work undertaken.
Company goes into liquidation, administration or ceases trading.	High	Low	A performance bond will be obtained and the council will re-tender the works if necessary. Mears Ltd have confirmed they are part of a larger group and a parent company guarantee will also be required. Paragraph 46 confirms that Mears Ltd is considered at low risk of going bankrupt within the next 12 months.

Other considerations

34. This report seeks approval for the acceptance of the most economically advantageous tender in accordance with Contract Standing Order 4.5.2. It is therefore considered that there are no alternative viable options.

Design Specification Compliance

35. A Specification has been drawn in compliance with the design guide wherever possible.

Leasehold Implications

36. Formal legal consultation with leaseholders has been undertaken by Specialist Housing Services.

Decent Homes

37. This scheme has been designed to ensure the blocks will meet the minimum WDS decent homes standards.

Community impact statement

38. The proposed works are for the refurbishment of council housing and as such will affect council tenants and leaseholders on the Tabard Gardens Estate (Central Area). The level of disturbance has been considered to be relatively low; it will not adversely affect any particular group and will not involve any resident being decanted.
39. The level of disturbance or disruption to the general public is considered negligible as the blocks sit within a council estate and the works will not impact the public highway.
40. The proposed works, which are for refurbishment of council housing, will not adversely affect any one particular group.

Economic considerations

41. Mears Ltd are a large size building company based in Dartford, Kent and will be encouraged to utilise local labour markets to deliver the works.

Social considerations

42. The council is an officially accredited London Living Wage (LLW) Employer and is committed to ensuring that, where appropriate, its contractors and sub-contractors pay staff at a minimum rate equivalent to the LLW rate. The Gateway 1 report approved on 9 July 2014 confirmed, for the reasons stated in that report, payment of LLW was an appropriate and best value requirement for this contract. Mears Ltd has confirmed that they exceed the LLW requirements. Following award, quality improvements and costs implications linked to the payment of LLW will be monitored as part of the contract review process.

Environmental considerations

43. The proposed works includes the replacement of the roof coverings on some of the blocks; these will increase the thermal performance of the buildings and reduce the demand for heating within the top floor dwellings, thus reducing energy consumption.

Market considerations

44. PRP believe that the market has been adequately tested based on the tenders received from the contractors taken from the general works category of the council's works Approved List. PRP's recommendations were considered and agreed by the area project manager within the major works team.

Staffing implications

45. There are no specific implications.

Financial implications

The works are part of the Housing Investment Capital programme and form part of the Warm, Dry and Safe works.

Second stage appraisal

46. An Experian credit check was obtained on 20 November 2014, Mears Ltd are a contractor and the report indicates they are creditworthy and there is a low risk of the company becoming bankrupt in the next 12 months.

Legal implications

47. In line with the requirements of Contract Standing Orders, the report confirms that tenders were invited from contractors from the general works category of the council's Approved List and that adequate financial provision has been made to fund the expenditure associated with the delivery of this project. There are no other specific legal implications arising at this stage.

Consultation

48. All residents (tenants and leaseholders) and absent leaseholders have been consulted with regards to the proposed works.
49. Formal legal consultation with leaseholders affected by these proposals has commenced and is undertaken by Specialist Housing Services.
50. Further consultation with residents will take place prior to award the contract and leaseholders have been formally consulted in line with legislative requirements by way of Notice of Intention and Notice of Proposal as outlined in paragraphs 59 to 61.
51. A project team incorporating both tenants and leaseholders will be formed to meet on a regular basis and act as a conduit for information between residents in general and officers.
52. Mears Ltd will issue regular newsletters to the blocks throughout the contract period.

Other implications or issues

53. Not applicable.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Head of Procurement

54. As the value of this contract is below the EU threshold for works, a formal procurement concurrent is not required.

Director of Legal Services

55. The legal implications are contained within the main report. At this value, no legal concurrent is required.

Strategic Director of Finance and Corporate Services (CAP14/121)

56. The report is requesting delegated approval from the Strategic Director of Housing and Community Services to award the works contract package entitled "Tabard Gardens Estate (Central Area) Warm, Dry and Safe works" to Mears Ltd following the tender evaluation process as detailed in the report.

57. It is also noted that budgets will be transferred and re-profiled against the project as required for monitoring and reporting the contract costs against approved budgets.

58. Staffing and any other costs connected with this contract to be contained within existing departmental revenue budgets

Head of Specialist Housing Services (For Housing contracts only)

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

60. There are 83 leaseholders 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 on the 29th May 2014 and the observation period expired on the 1st July 2014. There was 1 observation received from leaseholders at this stage.

61. Section 20 notices of proposal were served on the 17th October 2014 and the observation period expired on the 24th November 2014. There were 9 observations received from leaseholders included in this package, none of these observations would lead to a delay in proceeding with these works.

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 *Gerri Scott* Date *5.1.15*
Gerri Scott, Strategic Director of Housing and Community Services

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Tabard Gardens Estate (Central Area) Warm, Dry and Safe works	Major Works, Housing and Community services	Joe Bannon 54812

Gateway 1 'open' report		
-------------------------	--	--

APPENDICES

No	Title
Appendix 1	Tender Evaluation Methodology

AUDIT TRAIL

Lead Officer	David Markham, Head of Major Works
Report Author	Joe Bannon, Contract Manager
Version	Final
Dated	5 January 2015
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	Yes	Yes
Cabinet	N/a	N/a
Date final report sent to Constitutional Team		5 January 2015

BACKGROUND DOCUMENT – CONTRACT REGISTER UPDATE - GATEWAY 2

Contract Name	Tabard Gardens (Central Area) Warm, Dry & Safe works
Contract Description	Warm Dry and Safe refurbishments
Contract Type	GC/Works/1(1998) with quantities
Lead Contract Officer (name)	Cheryl Phillips
Lead Contract Officer (phone number)	020 7525 3848
Department	Housing & Community Services
Division	Major Works
Procurement Route	Competitively tendered
EU CPV Code (if appropriate)	n/a
Departmental/Corporate	Departmental
Fixed Price or Call Off	Fixed priced
Supplier(s) Name(s)	Mears Ltd
Contract Total Value	£1,930,588.63
Contract Annual Value	Not applicable
Contract Start Date	3 February 2015
Initial Term End Date	19 January 2016
No. of Remaining Contract extensions	n/a
Contract Review Date	n/a
Revised End Date	n/a
Comments	n/a

