

MUNICIPAL YEAR 2019/2020 REPORT NO.

**ACTION TO BE TAKEN UNDER
DELEGATED AUTHORITY**

**OPERATIONAL REPORT
OF:**
Executive Director
Place

Agenda – Part: 1	KD Num: 4922
Subject: Post Tender Report for Churchbury Lane Window Strengthening, Window Replacement Works and Fire Safety Works to Cheviot, Parsonage and Ivanhoe	
Wards: Town Ward	

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1. EXECUTIVE SUMMARY

- 1.1 This report proposes to award the Churchbury Lane additional window strengthening works contract.
- 1.2 This scheme is within this financial years capital budget.

2. RECOMMENDATIONS

- 2.1 That approval be given to award the Churchbury Lane additional window strengthening works contract.
- 2.2 See Part 2 for details

3. BACKGROUND

3.1 The original programme (please see report reference KD4171) included window replacement works. During the course of these works it came to light that the original windows supported the surrounding structure. The replacement windows would not provide the same level of structural support and therefore additional structural strengthening works is required which was tendered as a specialist package of works. In order to ensure value for money the Council has undertaken a competitive tender process for this work.

3.2 These works form a separate specialist package and include:

- Additional window strengthening works to the three blocks
- Window replacement to the flats within these blocks
- Fire safety works to meet current regulations

3.3 This specialist work was tendered via the London Tenders Portal in May 2019 to ensure compliance with Enfield Corporate Procurement Regulations. A restricted tender process was followed inviting seven contractors to tender.

3.4 Tender responses have been assessed by Enfield's external Contract Administration Consultants and a Quantity Surveyor to ensure the submissions meet Enfield requirements.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 The original contractor provided a quotation for the works but this was not considered to represent value for money.

4.2 See part 2 for details.

4.3 The works are required to ensure the structural integrity of the building.

4.4 LBE has a statutory duty to maintain our stock.

5. REASONS FOR RECOMMENDATIONS

5.1 All contractors who tendered for this project have fulfilled the Council's criteria for undertaking this type and value of work.

5.2 The recommended contractor has submitted the lowest priced tender and has been judged capable of complying with the specification and quality requirements.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1 Financial Implications

This scheme will be included in the Major Works Capital Programme for 2019-20 and included in the Q3 capital monitoring report. These costs will be funded from HRA capital resources and are included in the HRA 30 year Business Plan.

6.2 Legal Implications

- 6.2.1 The Council has the power to alter, repair or improve its housing stock in accordance with s.9 Housing Act 1985.
- 6.2.2 The Council further has power under s.111 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.
- 6.2.3 Additionally, the Council is empowered to enter into contracts for the discharge of its legal powers (s.1 Local Government (Contracts) Act 1997). The Council moreover has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may do, provided it is not prohibited by legislation and subject to Public Law principles.
- 6.2.4 Due to the expected value of the works contract, a restricted tender process was followed inviting seven contractors to tender in accordance with the Council's Contract Procedure Rules ('CPR's').
- 6.2.5 The Council must comply with all requirements of its constitution and CPRs. Throughout the engagement of the successful bidder, the Council must comply with its obligations of obtaining best value, under the Local Government (Best Value Principles) Act 1999. The Council must keep a clear audit trail of its decision to award these services to Contractor A in order to demonstrate that best value has been and will continue to be obtained for the Council.
- 6.2.6 A performance bond or PCG will be required from the chosen contractor, in accordance with CPR 21 and this must be executed and in place before works begin on site. Any resultant contract/ancillary legal documentation (where applicable) required in association with this matter must be in a form approved by Legal Services. The works contract terms are in the form of the JCT 2016 Minor Works Building Contract with Contractors Design.
- 6.2.7 The contract price falls below the threshold for Public Works Contracts under the Public Contracts Regulations 2015 (PCRs 2015).
- 6.2.8 The contents of this report constitute a Key Decision as the recommendation to accept the recommended tender for the works will lead to capital expenditure exceeding £250,000. This item has been

included in the Key Decision List reference: KD4208. Once approved the decision to proceed will be subject to the usual five-day call-in period.

Legal implications prepared by OD on 13/11/19 on the basis of the current version of the report

6.3 Procurement Implications

6.3.1 The procurement was undertaken using the London Tenders Portal (ref DN408174).

6.3.2 As the contract is over £250k the service must ensure that sufficient security has been considered.

6.3.3. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.

6.3.4 The award of the contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contracts must be undertaken on the London Tenders Portal including future management of the contract.

6.3.5 The awarded contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Procurement Implications provided by Peter Alekkou on 8th November 2019.

6.3 Property Implications

There are no property implications.

7 KEY RISKS

The table below highlights risks identified and mitigating actions taken

Risk	Mitigating action	Residual risk High / Medium or Low
Supplier performance	Adequate contract management and administration will be applied and contract monitoring meetings take place at regular intervals.	Low
Over-run programme	Monitor progress via regular meetings and site visits	Low

Over spend	External Quantity Surveyor monitoring and approving additional costs	Low
Quality Issues	Monitor works closely on site	Medium

There are no further risk implications.

8 IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.3 Good homes in well-connected neighbourhoods

The programme will improve the quality of existing homes and therefore positively impact on the quality of life for our residents.

8.4 Sustain strong and healthy communities

Improving the existing homes where people desire to live will help to create and maintain strong sustainable communities.

8.5 Build our local economy to create a thriving place

Ensuring residents are able to fully participate in activities within their neighbourhood.

9 EQUALITIES IMPACT IMPLICATIONS

9.1 It is not deemed relevant or proportionate to carry out an equality impact assessment/analysis for the approval of this report.

9.2 Any contracts awarded should include a duty on the successful applicant to assist us with meeting our obligations under the Equalities Act 2010.

9.3 Individual requirements will be addressed prior to starting on site to identify any adaptation work or specific needs that may be required by residents.

10 HEALTH AND SAFETY IMPLICATIONS

10.1 The contractor will submit a Pre-Construction Health and Safety Plan once appointed. This will be updated throughout the contract and a Health and Safety File issued upon completion of the works.

11 HR IMPLICATIONS

None.

12 PUBLIC HEALTH IMPLICATIONS

12.1 The work will contribute towards reducing heating bills, sustaining tenancies, reducing fuel poverty and improving the environment for the residents of the block.

