

CABINET MEMBER SIGNING

Friday, 30th December, 2022, 10.00 am

Members: Councillor Ruth Gordon – Cabinet Member for Council Housebuilding, Placemaking, and Development.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

3. INTERIM ACCOMMODATION STRATEGY PROGRAMME - GROUND & 3RD FLOOR, 48 STATION ROAD - EXPENDITURE OF APPROVED CONTINGENCY (PAGES 1 - 4)

As the contingency was approved in the original Cabinet paper, Strategic Procurement has advised that Cabinet level approval is still required in order to approve the expenditure of the contingency – in accordance with the Contract Standing Orders (CSO). Payment is required to be made in December and approval is required to increase the Purchase Order (PO). If this is not paid for on time, the payment terms will not be met.

Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution. This is set out in Part Four, Section D, Rule 16, of the Constitution.

4. INTERIM ACCOMMODATION STRATEGY PROGRAMME - ALEXANDRA HOUSE AND 48 STATION ROAD - VARIATION TO CONSTRUCTION CONTRACT AWARD (PAGES 5 - 10)

Selection of the lift sub-contractor was made following a competitive procurement exercise – to ensure best value.

When the works commenced on site, it was advised that, in order to ensure Health & Safety (H&S) best practice, the lift contractor should be nominated to the main contract – to ensure one point of H&S responsibility. As a result, it is now necessary to vary the main contract sum by the agreed amount in order to pay the sub-contractor.

The works will be finished by 16 December 2022; payment is required by this date and approval is required to increase the Purchase Order (PO). If payment is not made by this time, the payment terms will not be met.

Given the above, it is not practicable to comply with the 28-day notice requirement in Part Four, Section D, Rule 13 of the constitution. This is set out in Part Four, Section D, Rule 16, of the Constitution.

Fiona Rae, Acting Committees Manager
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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Tuesday, 20 December 2022

Report for: Cabinet Member Signing – 30 December 2022

Title: Interim Accommodation Strategy Programme – Ground and 3rd Floor, 48 Station Road – Expenditure of Approved Contingency

Report authorised by: David Joyce, Director of Placemaking and Housing

Lead Officer: Andrew Meek, Head of Organisational Resilience

Ward affected: Noel Park, Wood Green

**Report for key/
non key decision:** Key Decision

1. Describe the issue under consideration

- 1.1 Request to authorise the expenditure of contingency funds in the sum of £62,000 to Foster Property Maintenance Ltd - bringing the total value of the contract to £681,082.39 for the refurbishment of offices on the Ground & 3rd floors of 48 Station Road pursuant to Contract Standing Orders (CSO) 16.02 and 10.02.1b.

2. Cabinet Member Introduction

- 2.1 Not applicable.

3. Recommendations

The Cabinet Member for Council Housebuilding, Placemaking, and Development is recommended:

- 3.1 Pursuant to Contract Standing Orders 16.02 and 10.02.1b, to approve the expenditure of contingency funds in the sum of £62,000 to Foster Property Maintenance Ltd, bringing the total value of the contract to £681,082.39.

4. Reasons for decision

- 4.1 Following commencement of the refurbishment works to the offices at 48 Station Road, the contractor undertook strip out of the existing power and data containment – to facilitate the new installation of layout. When this work started, it became clear that the data containment was not of sufficient quality to be removed and then put back – as it was cracking and split. Therefore, the decision was taken to replace the containment at the same time as replacing the power and data cabling as there was no way to replace the existing system – as this was no longer manufactured.
- 4.2 Works to install the reception in Young Adults Services involved the construction of reception booths, to facilitate meetings with clients and residents. The booths utilised were reused from the existing fit out to the ground floor in 48 Station Road. Following an inspection by the staff from this department, a request was made to ‘fully enclose’

the booths with glass screens and a plasterboard bulkhead above. This ensures full separation of the front of house reception area from the offices.

4.3 Young Adults Services also requested that an intercom system be fitted to their separate entrance door. This allows for clients to this department to access the YAS reception area without entering other areas of the building – thereby further improving and enhancing the security of the service and the control of the reception environment.

4.4 These additional works increased the original contract sum by £62,000

5. Alternative options considered

5.1 Do Nothing

5.2 The ‘do nothing’ option was not considered as Fosters Property Maintenance Ltd were on site carrying out the works and instructing a variation to the existing contract reflected the most cost effective and quickest way to implement the works without impacting the delivery of the broader programme of refurbishment.

6. Background Information

6.1 These works were not identified as part of the original design process for the following reasons;

- The condition of the power and data containment could not be ascertained without removing the existing system – at which time it was found to be in poor condition
- The YAS operational requirements could not be established until works progressed on site and could be inspected by the staff prior to occupation.

6.2 The money requested to uplift the existing contract sum reflects the contingency amount agreed within Part B of the original cabinet request paper - approved at a members signing on the 7th February 2022.

7. Contribution to Strategic Outcomes

7.1 This report contributes to the Borough Plan priority “Your Council” – Outcome 19 “Outcome 19: We will be an able, positive workforce with the skills needed to deliver for Haringey”. The Delivery Priority this supports is “Design smarter working environments to endorse modern and agile working”.

8. Statutory Officer Comments

8.1 Finance

8.1.1 The recommendation to vary the current contract with Foster Property Maintenance Ltd by £0.062m to £0.681m can be contained within the overall budget for the accommodation strategy.

8.2 Procurement

8.2.1 The request to vary the contract with the above-mentioned Contractor and award contingency funds to complete necessary, additional works is permitted under Contract Standing Orders 16.02 and 10.02.1b and may be approved.

8.3 Legal

8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.

8.3.1 Pursuant to Contract Standing Order 16.02 the Cabinet Member having the relevant portfolio responsibilities has authority to approve the recommendations in the report.

8.3.3 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet Member for Council Housebuilding, Placemaking, and Development from approving the recommendations in the report.

8.4 Equalities

8.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to

- a) Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- b) Advance equality of opportunity between people who share those protected characteristics and people who do not
- c) Foster good relations between people who share those characteristics and people who do not.

8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.4.3 In developing this programme due regard has been given to ensuring that the offices will be welcoming environments for all our staff and visitors, whether they have protected characteristics or not. Providing staff opportunities to work collaboratively with their colleagues regardless of whether they have protected characteristics enables the diversity of our workforce to be a source of ongoing strength, and to better reflect the population we serve.

8.4.4 There are specific issues for people with disabilities, with regards to accessibility of buildings, the ability to easily use the facilities within buildings, and safety issues in relation to, for example, safe evacuation. The proposals within this report take full account of these needs and the associate statutory duties and good practice guidelines.

9. Use of Appendices

9.1 Not applicable.

10. Local Government (Access to Information) Act 1995

10.1 Not applicable.

Report for: Cabinet Member Signing – 30 December 2022

Title: Interim Accommodation Strategy Programme – Alexandra House and 48 Station Road – Variation to Construction Contract Award

Report authorised by: David Joyce, Director of Placemaking and Housing

Lead Officer: Andrew Meek, Head of Organisational Resilience

Ward affected: Noel Park, Wood Green

**Report for key/
non key decision:** Key Decision

1. Describe the issue under consideration

- 1.1 Following the appointment of Alcema Ltd in April 2022 to undertake the refurbishment of 48 Station Road and Alexandra House, it is proposed to vary their contract to include for the refurbishment and upgrade of the three passenger lifts in Alexandra House, Station Road, Wood Green, London, N22 7TR, through novating Apex Lift & Escalators Engineers Ltd.

2. Cabinet Member Introduction

- 2.1 Not applicable.

3. Recommendations

The Cabinet Member for Council Housebuilding, Placemaking, and Development is recommended:

- 3.1 Pursuant to Contract Standing Orders 16.02 and 10.02.1(a), to approve a novation of contract to Alcema Ltd for the sum of £247,957 + VAT to undertake refurbishment and upgrade works to the three passenger lifts at Alexandra House, Station Road, Wood Green, London, N22 7TR. This would increase the budget from £4,031,847 to £4,279,804.

4. Reasons for decision

- 4.1 The Council engaged a Lift Engineering consultant (Reliable Lifts Ltd) – who have previously carried out remedial works on the installation – to produce an independent specification for the works required to be undertaken on the lifts in Alexandra House.
- 4.2 This specification was quality checked by the Council's in-house lift engineering expert in the Corporate Landlord team – to ensure that it met our requirements for the proposed refurbishment.

- 4.3 The opportunity was then posted on the South-East Consortium Framework which allowed a direct award.
- 4.4 The first contractor noted on the SEC Framework was Apex Lift & Escalator Engineers Limited. Following review of the documentation, they returned a price which was compliant with the agreed baseline specification, and in compliance with procurement legislation and the Council's Contract Standing Orders. This was reviewed and subsequently supported by the Strategic Procurement team and appointed in February 2022.
- 4.5 Following discussions with the Council's CDM (Construction, Design & Management) advisor, it was agreed that – as the main contract refurbishment works would be taking place at the same time – the most suitable way of appointing Apex Lifts Ltd, would be novate them to Alcema Ltd. By doing this, there remains one point of responsibility in relation to Health & Safety under the CDM regulations relating to compliance on site.
- 4.6 The proposed cost to deliver the project has been reviewed for technical compliance and reflects the specification of the council's requirements.
- 4.7 The original cost included within the tender price was £229,240 + VAT. Following investigations and a detailed survey on site, a further £18,717 + VAT of work was identified as required in addition to the works outlined in the original brief prepared by the council. This was to install additional counterbalance weights, replacement floor indicators and new SIM cards to bring the lifts to current required safety standards. The total of these works is £247,957 + VAT (the total amount requested).

5 Alternative options considered

- 5.1 The alternative would be for the Council not to vary Alcema Ltd's contract to commission Apex Lift & Escalator Engineers Limited to undertake the refurbishment and upgrade works which would place at risk the operation of the building – given the current condition of the lifts.
- 5.2 If the Council appointed Apex directly to comply with CDM regulations, we would have needed to have completed the main refurbishment contract first.
- 5.3 This option was originally investigated and considered but represented a further 12 weeks of work in the building by a separate subcontractor, with further disruption to building users. In turn, this would have resulted in additional contractor overhead costs which would not have been best value to the Council.

6 Background Information

- 6.1 Cabinet approved a paper in November 2021 to proceed with the refurbishment of Alexandra House and 48 Station Road as part of the Council's Interim Accommodation Programme Works.
- 6.2 The November paper scheduled a number of proposed phases of works within the overall programme – which included both the main refurbishment contract and the refurbishment of the lifts in Alexandra House.

- 6.3 In March 2022, a subsequent paper was approved at a member signing and April 2022, the Main Contract Refurbishment was awarded to Alcema Ltd.
- 6.4 The refurbishment of the lifts in Alexandra House did not form part of this award to Alcema Ltd at this point in time, as the lift refurbishment contract was procured separately - in accordance with advice from the Council's Strategic Procurement team.
- 6.5 The cost of the works is included for in the overall budget approved by Cabinet in November 2021 for the Interim Accommodation Programme Works

7 Contribution to Strategic Outcomes

- 7.1 This report contributes to the Borough Plan priority "Your Council" – Outcome 19 "Outcome 19: We will be an able, positive workforce with the skills needed to deliver for Haringey". The Delivery Priority this supports is "Design smarter working environments to endorse modern and agile working".

8 Statutory Officer Comments

8.1 Finance

The recommendation of the report is to increase the value of the contract with Alcema Ltd from £4,031,847 to £4,279,804. This increase is to accommodate the novation of the successful lift bidder, Apex Lift & Escalator Engineers Limited, to Alcema Ltd. The overall cost of the revised Alcema Ltd can be accommodated in the overall budget of the accommodation strategy.

8.2 Procurement

- 8.2.1 The contract is below threshold, and therefore has no implication on the Public Contracts Regulation 2015.
- 8.2.2 The request to novate the contract for lift refurbishment from Apex Lift & Escalator Engineer Ltd to the Alcema is permitted under CSOs 16.02 and 10.03. The value of the contract will Alcema will increase by some 6% and will enable the lift refurbishment to take place simultaneously with the refurbishment of the building with the added benefit of the oversight of the main contractor who will be the single point of responsibility for health & safety, as well as the standard of the refurbishment.

8.3 Legal

- 8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.
- 8.3.2 The contract which this report relates to is below the Public Contracts Regulations 2015 (the "Regulations") threshold and is therefore not within the scope of Regulation 72 of the Regulations. Regulation 72 governs modifications of contracts within the scope of the Regulations.

8.3.3 Pursuant to Contract Standing Order 16.02 and Contract Standing Order 10.02.1(a) a Cabinet Member with the relevant portfolio responsibilities.

8.3.4 The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Cabinet Member for Council Housebuilding, Placemaking, and Development from approving the recommendations in the report.

8.4 Equalities

8.4.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to;

- a) Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- b) Advance equality of opportunity between people who share those protected characteristics and people who do not
- c) Foster good relations between people who share those characteristics and people who do not.

8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.4.3 In developing this programme, we have engaged with Unions and a number of staff representative groups. Due regard has been given to ensuring that the offices will be welcoming environments for all our staff and visitors, whether they have protected characteristics or not. Providing staff opportunities to work collaboratively with their colleagues regardless of whether they have protected characteristics enables the diversity of our workforce to be a source of ongoing strength, and to better reflect the population we serve.

8.4.4 There are specific issues for people with disabilities, with regards to accessibility of buildings, the ability to easily use the facilities within buildings, and safety issues in relation to, for example, safe evacuation. While the works are being undertaken, lift access will still be provided to ensure that staff and residents have access to the Council's services. This will be achieved by phasing the delivery of the works to ensure that there is always a lift in service in Alexandra House. These works are to be clearly sign posted on site (with the support of Internal Communications) and all staff will be advised in advance of the works commencing. Where access is still required to the buildings whilst work is being carried out, alternative means of access are being provided which will be accessible to all building users. Essential services will be maintained at all times during the contract.

8.4.5 As an organisation carrying out a public function on behalf of a public body, the Apex Lift & Escalator Engineers Limited will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above.

9 Use of Appendices

9.1 Not applicable.

10 Local Government (Access to Information) Act 1995

10.1 Not applicable.

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