

Report for: **Leader Decision for Contract Award 1st April 2021 Pursuant to Contract Standing Order 16.02**

Title: Bruce Grove Public Convenience Refurbishment - Construction Contract Award

Report authorised by: David Joyce Director of Housing, Regeneration & Planning

Lead Officer: Sukh Lall, Project Manager, Major Projects, 07482 216 719, Sukh.Lall@haringey.gov.uk

Ward(s) affected: Bruce Grove

**Report for Key/
Non Key Decision:** Key decision

1. Describe the issue under consideration

- 1.1. This report seeks approval to appoint the recommended contractor, Lilstone Limited, to deliver the refurbishment and extension works at the disused Bruce Grove Public Convenience (BGPC) pavilion building, pursuant to Contract Standing Order 16.02 (Leader decision) for the total contract cost of £817,175.13 plus a 10% contingency of £81,717.51.
- 1.2. This report also seeks approval to issue a Letter of Intent prior to the formal contract signature for £81,717.51 as allowed under CSO 9.07.3.

2. Cabinet Member Introduction

- 2.1. Tottenham's town centres are at the heart of their local communities, providing jobs, services, shops, leisure facilities and social places and spaces. They reflect the many needs of the vibrant and diverse multi-cultural communities, can support improved health and skills for local people and provide an economy on which many local people rely and serving to build wealth in the community.
- 2.2. The Investment in the derelict Bruce Grove Public Conveniences comes at an important time for Bruce Grove and Tottenham High Road. The context in which we will be delivering this key project is very different from when the Council entered into the Grant Agreement with the GLA in 2019. Coronavirus has provided a new and immediate threat to Tottenham, requiring businesses to adapt at record pace and increasing the need for the Council to intervene by investing in the quality of the built environment, diversifying uses, and delivering healthy, accessible places for residents to enjoy.
- 2.3. In line with the ambitions of the 'Strategy for Tottenham High Road' (2019-2029), this project will deliver essential improvements to Bruce Grove through the refurbishment and extension of the Grade II listed building, which is currently on the 'Heritage at Risk Register'. A new use as a community café

with space for community events space will promote Tottenham High Road as a distinct destination, improving the sense of arrival at Bruce Grove Station and contributing positively to the Bruce Grove Conservation Area.

- 2.4. Investment in the fabric of the building will also deliver on the Council's Community Wealth Building Agenda through the piloting of an innovative 'Community Wealth Building Lease' which will incentivise the delivery of social value outputs and support job creation for local residents and disadvantaged groups at this challenging time.
- 2.5. The concept of social value is very closely aligned with the emerging priorities of the Borough Plan, most notably that of building and retaining wealth within the local community. Lessons learned from this pilot will help to inform future Council policy and operations regarding how it uses its property portfolio. I am pleased that the scheme was recently recognised as a finalist at the National MJ Awards in the 'Innovation in Property and Asset Management' category.
- 2.6. As part of the Council's post Covid-19 Good Economy Recovery Agenda, the project will instil a strong sense of pride and hope in the community hard hit in Bruce Grove, and bring back into use a building of heritage importance within the borough.
- 2.7. I am confident that this investment will help us to maximise Tottenham's vast potential and support our wider commitments to addressing socio-economic inequality, through a refurbished high quality heritage building, new job opportunities and social infrastructure to foster inclusion and improve outcomes for all.

3. Recommendations

- 3.1. To approve the full award of the construction works (RIBA stage 5-6) contract to Lilstone Limited to deliver the refurbishment and extension works to BGPC for the fixed price contract sum of £817,175.13, plus a 10% contingency of £81,717.51 based on their tender costs.
- 3.2. To approve the issue of a Letter of Intent prior to the formal contract signature for £81,717.51 being 10% of the contract sum.

4. Reasons for decision

- 4.1. Bruce Grove Public Convenience (BGPC) is a Council owned, Grade II Listed Building on Historic England's 'Heritage at Risk Register'. The building has been disused since the 1980s and is in a poor state of repair. In February 2020, temporary works were undertaken to waterproof the roof and prop the steelwork in the basement. Commencing with the works as soon as possible will protect the building from further deterioration and bring the site back into public use to deliver commercial and social value benefits to the Council.

- 4.2. A Leader decision (pursuant to Contract Standing Order 16.02) is required as there are no Cabinet Meetings scheduled in April or May 2021 due to the forthcoming Mayoral elections.
- 4.3. In order to meet the Greater London Authority (GLA) 'Enterprising Tottenham High Road' funding requirements it is essential that a decision on the full award is in place by April 2021, as the construction award decision cannot be deferred to June 2021. This is to ensure that spending milestones can be achieved in line with the signed grant agreements and to meet the GLA's funding deadlines of March 2022.
- 4.4. Approximately 60% of the total project costs are to be externally funded by the GLA and Historic England. If funding deadlines of March 2022 are not met there is a risk that the GLA grant could be withdrawn.
- 4.5. The contract award will also enable contract mobilisation to commence including contractors design portions for key structural elements such as foundations, loadbearing frame and curtain walling. The early completion of these packages of work essential to the project progressing in line with the programme.
- 4.6. Given the issues the construction industry is incurring with supply chains and materials as result of the Covid-19 epidemic, a decision at the earliest opportunity would be advantageous so orders for critical long lead in items can be placed.

5. Alternative options considered

- 5.1. In-house – delivering the role in-house was considered, however there is currently no resource within the Council that has the capacity along with the necessary experience, qualifications, and expertise to deliver this service.
- 5.2. The authority considered use of the LCP Framework under the Heritage Category, but this was discounted as the framework is not suitable for works below the £1m contract value threshold.
- 5.3. The Dynamic Purchasing System was chosen for this tender following recommendation from Strategic Procurement.

6. Background information

- 6.1. Bruce Grove Public Conveniences is a project for the refurbishment and extension of the Grade II listed former public conveniences building to remove the site from Historic England's 'Heritage at Risk' Register and transform the building into a new café with strong social value credentials.
- 6.2. The project includes piloting of a new 'Community Wealth Building Lease', an innovative approach to asset management that increases the importance of

social value by offering a discount on market rent in return for social value outcomes.

- 6.3. The design includes a café and dining space within a new extension to the rear of the existing pavilion, with a new publicly accessible toilet at ground floor and food preparation/multi-functional space in the remodelled basement. The proposed development is a sensitive response to the particular needs and challenges of the site and heritage asset, which has been disused for several decades. It has evolved through a series of design conversations, extensive public engagement, and heritage discussions with diverse stakeholders.
- 6.4. Planning and Listed Building Consent was granted in June 2020, with a target start on site in April 2021 and practical completion in February 2022.
- 6.5. Bruce Grove Public Conveniences forms part of the 'Enterprising Tottenham High Road' programme which aims to diversify town centre activities in Bruce Grove and support the Council's 'Community Wealth Building' approach.
- 6.6. The project is funded from the GLA Good Growth Fund (GGF), Historic England's 'High Street Heritage Action Zone' programme (HSHAZ) and Tottenham High Road Strategy. The external funding will enable the delivery of a high-quality heritage refurbishment and extension, to maximise the building's optimum public use.
- 6.7. The works have been designed to Stage 4 of the Royal Institute of British Architects (RIBA) Plan of Work 2013.
- 6.8. The procurement route was based on a traditional (full design) form of contract - JCT 2016 Standard Building Contract with Quantities.
- 6.9. Suppliers under the Principal Contractor Heritage Service Category were invited to submit tender for the works via the DPS. Two responses were received and evaluated.
- 6.10. During the evaluation process, post tender clarifications were sought and fully responded to.
- 6.11. A competitive tender exercise for the refurbishment and extension of BGPC has been completed via the Council's Dynamic Purchasing System. Tender returns have been evaluated on a 40:60 Quality:Cost basis.
- 6.12. A quality assessment was conducted by an Evaluation Panel, comprising the Project Delivery Team Project Manager, Regeneration Manager, and the Project Architect. A pre agreed list of questions relevant to this project was included in the tender as part of the Qualitative Delivery Proposals (QDP). Each question was offered a score between 0 (for question not answered) to 5 (excellent) together with a weighted score. The final quality scores were independently moderated with the Council's Strategic Procurement team.

- 6.13. Tender costs were evaluated on the contractors achieving the minimum 40% benchmark threshold as part of the quality evaluation undertaken with the following outcome:

Contractor	Tender Price	Utility Connections	Adjusted Tender	Quality Score	Price Score	Total Score
Lilstone Limited	£786,215.81	£30,959.32	£817,175.13	45.60%	39.89%	85.49%
Bidder B	£784,435.80	£30,406.48	£814,842.28	31.20%	40.00%	71.20%

- 6.14. It is therefore recommended that Lilstone Limited are appointed as they are the most economically advantageous contractor in terms of quality and cost.
- 6.15. All works have been specified and measured by independent design and cost consultants to ensure best value for the Council against pre-determined market rates.
- 6.16. The quantity surveyor for this project is satisfied with the pricing offered by Lilstone Limited against the Pre Tender Estimate of £899,295.35.
- 6.17. The projected total project cost for the BGPC refurbishment and extension works are £1.275m.
- 6.18. The approved budget is £1.275m.
- 6.19. The defects liability period (rectification period) is 12 months.
- 6.20. Tenders included all construction costs, site establishment and management costs, contractors overhead and profit.
- 6.21. Whilst a range of surveys have been carried in the preparation of the tender documents for this refurbishment scheme, they will never provide absolute certainty as to the condition of the building and this is especially so in a building that is listed.

7. Contribution to strategic outcomes

- 7.1. This project proposal supports outcomes as outlined in the Borough Plan 2019-23, in particular:
- **Priority 2 People** – to contribute to a Haringey ‘where strong families, strong networks and communities nurture all residents to live well and achieve their potential’.
 - **Priority 3 – Place** : a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.
 - **Priority 4 - Economy**: a growing economy which provides opportunities for all our residents and supports our businesses to thrive.

- 7.2. The proposals for the site can help address **Social Value Framework Indicators** by creating economic benefit through new employment opportunities, increasing employable skills and investing in local supply chains.
- 7.3. There is a direct alignment with the Council's emerging **Strategic Asset Management Plan**; whereby it is seeking to proactively transform its corporate property estate to increase revenue income for the Council and in so doing improve the level of service the Council can provide for its local community, The pilot 'Community Wealth Building Lease' features within the Strategic Asset Management Plan and Lessons learned from this pilot will help to inform future Council policy and operations regarding how it uses its property portfolio.
- 7.4. Since the onset of Covid-19, the Council has published a 'Good Economy Recovery Action Plan' (GERP). The project supports the GERP's top priorities, including helping businesses into work/training through offering work experience/apprenticeships and delivering new, high quality employment space.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

- 8.1.1. This report seeks the approval to award a contract to Lilstone Limited to deliver the refurbishment and extension works , RIBA Stages 5–6, (Construction) at BGPC, for a contract value of £817,175.13 as follows:

Tender Figure	£0.786m
Utility costs	£0.031m
Total construction costs	£0.817m

- 8.1.2. The overall cost of the works at BGPC can be contained within the approved project budget.
- 8.1.3. The project is to be funded from grants received from GLA 'Enterprising Tottenham High Road' and Historic England 'High Street Heritage Action Zone' initiatives and the Council's approved capital programme. The approved budget is £1.275m. Project expenditure to date is as follows:

		2019/2020	2020/2021	2021/2022
Expenditure to Date		£0.056m	£0.139m	
Forecast Expenditure				£1.080m

8.2 Procurement

- 8.2.1. Strategic Procurement (SP) note that this report relates to the approval of an award for BGPC Refurbishment (Construction Contract Award) to accommodate building and improvement Works to bring back into use a building of heritage importance within the borough.
- 8.2.2. Strategic Procurement support the recommendations in this report in accordance with Contract Standing Orders clause 7.0.1. (b) 10.01.01 (a), and 16.02
- 8.2.3. Pursuant to CSO 7.01(b) and Regulation 33 of the Public Contracts Regulations 2015, SP confirms that tenderers were invited to Tender through the Councils Dynamic Purchasing System (DPS) under the Heritage Service Category
- 8.2.4. Compliant tenders were submitted by the contractors with further clarifications needed to achieve the final price.
- 8.2.5. SP notes that tender returns were evaluated independently by the Quality Panel prior to release of the Price element of the Tender. Lilstone Limited scored the highest in quality and in price, scoring 85.51% overall.

8.3 Legal

- 8.3.1. The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report
- 8.3.2. The Council has followed a competitive procurement using its own internal Dynamic Purchasing System (DPS). The DPS was procured in accordance with the Public Contracts Regulations 2015 and its use is also permitted by Contract Standing Order 9.04
- 8.3.3. The decision to award this contract will be a Key Decision as it involves expenditure of more than £500,000. The award must therefore comply with the Council's governance processes in respect of Key Decisions including publication of the contract in the Forward Plan (see CSO 3.01), (d).
- 8.3.4. As this contract is valued at over £500,000, the decision to award would usually be taken by Cabinet. Between meetings of the Cabinet, the Leader may take decisions that would normally be taken by Cabinet (see CSO 16.02)
- 8.3.5. The Leader also has power under CSO 16.02 to approve the issue of a letter of intent.
- 8.3.6. The Head of Legal and Governance (Monitoring Officer) sees no legal reasons preventing the Leader from approving the recommendations in the report.

8.4 Equality

- 8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- 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 An Equalities Impact Assessment has been completed for the proposed refurbishment of BGPC, included as Appendix A to this report, and uploaded on to the Haringey Council website. The EqlA raises no equalities concerns, with the proposed works being conducted in phases, to ensure there is minimal interruption to service provision. The expected impact on protected characteristic groups is either neutral or positive.

The following measures have ensured that the works comply with the Council's equalities duties:

- A key objective of the proposed works is to improve the accessibility and amenity of the existing site for staff and service users, including those from the protected characteristic groups. The Council has gone through a traditional design process and has therefore maintained control over the design of the works to ensure that they meet our high accessibility requirements, including DDA compliance under part M of building regulations.
- No reduction in service provision, either during the works or once they are completed;
- Services provisions will be improved through better buildings and IT, making services more accessible and effective;
- New heating will also be installed, making the environment more comfortable for all;
- CCTV and additional security will be of benefit to all in creating a safer environment.

8.4.4 The refurbishment and extension of BGPC will create a new café publicly accessible and open to all. The proposed 'Community Wealth Building Lease' will incentivise the operator to employ people from the following backgrounds, in return for a discount on the rent (up to 35%):

- Local residents from Tottenham
- Long term unemployed people
- NEETs

- People with disabilities, especially those with learning difficulties or mental health issues
- Students

The building has been designed for wheelchair access, including with a platform lift to ensure that wheelchair users can access the historic basement.

9. Use of Appendices

Appendix A – Part B Exempt Information

10. Local Government (Access to Information) Act 1985

11.1. This report contains exempt and non-exempt information. Exempt information is under the following categories (identified in amended Schedule 12A of the Local Government Act 1972);

Paragraph 3 - Information relating to financial or business affairs of any particular person (including the statutory holding that information).