

Report for: Cabinet Member Signing

Item number: To be added by the Committee Section

Title: **Appointment of** Contractor to undertake construction works to complete the schemes known as Topham Square Car Park, N17 7HL

Report authorised by: Taryn Eves, Corporate Director of Finance Resources

Lead Officer: Robbie Erbmam, Delivery Director

Ward(s) affected: White Hart Lane

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

1. Describe the issue under consideration

- 1.1. This report seeks approval from the Cabinet Member for Housing and Planning to approve the appointment of the recommended contractor to complete construction works of the schemes known as Topham Square Car Park N17.

2. Recommendations

- 2.1. The Cabinet Member for Housing and Planning is recommended to:
- 2.2. Approve the appointment of Contractor A, identified in the exempt part of the report, to undertake construction works to complete the schemes known as Topham Square Car Park N17.
- 2.3. Approve the total scheme costs set out in the exempt part of the report.
- 2.4. Approve to delegate to the Delivery Director authority to sign off any instructions that may be required to be discharged from the contingencies we are seeking approval for in this report.

3. Reasons for decision

- 3.1. Construction contracts for the separate developments known as Topham Square Car Park N17 were approved by Cabinet Member signing in March 2022 and July 2023.
 - 3.1.1. Following filing of voluntary liquidation by the original contractor, the Council secured this site and released a competitive procurement opportunity on the London Construction Programme Minor Works Dynamic Purchasing System

using the JCT Intermediate Building Contract 2016.

- 3.2. Contractor A has been identified by a formal tender process to undertake these completion works.
- 3.3. This site will contribute to our commitment to build 3,000 new high-quality council homes by 2031.

4. Alternative options considered

- 4.1. The Council could choose not to complete the construction of these developments and either demolish the structures or sell the partially completed sites on the open market. This option was rejected as it does not support the Council's commitment to delivering a new generation of Council homes and would present a significant financial loss against investment to date.

5. Background information

- 5.1. Please see Section 8 of this report for links to the background documents for Topham Square car Park development. These documents provide detail on the site context, design, engagement and consultation and statutory comments.
- 5.2. The contractor appointed to this site under separate contracts in August 2022 as main contractor and in July 2023 (Under a Construction Management agreement) entered liquidation in December 2024. The Council has since secured the site and conducted a competitive procurement process to identify a suitably qualified contractor to complete the works.
- 5.3. In September 2024, residents were informed a new building contractor is required to complete the final stages of the works on site and the Council are in the process of identifying a new contractor and will update residents before any further works resumes.

6. Statutory Officers comments

6.1. Finance

- 6.1.1. The scheme will deliver 4 homes in line with the council's objective of delivering 3000 social rent homes.
- 6.1.2. The scheme is included in the recently approved HRA business plan and the total cost can be contained within the HRA
- 6.1.3. Further finance comments are contained in the exempt report.

6.2. Procurement

- 6.2.1 Strategic Procurement note that this procurement was tendered competitively via the London Construction Programme (LCP) Dynamic Purchasing System (DPS) under the Minor Works category. This procurement was in line with

Contract Standing Order (CSO) 8.01 and Regulation 34 of the Public Contracts Regulations 2015.

6.2.2 Tender responses were evaluated in accordance with the scoring criteria and methodology as detailed in the published Invitation to Tender document.

6.2.3 Contractor A offered the Most Economically Advantageous Tender and demonstrated value for money to the Council.

6.2.4 SP supports the award of the contract to Contractor A. in accordance with CSO 2.01 (c).

6.3. Legal

6.3.1. The Director of Legal and Governance was consulted in the preparation of this report.

6.3.2. The report indicates and Strategic Procurement has confirmed that the contract in the report was procured via the London Construction Programme's (LCP's) Dynamic Purchasing System (DPS) under Minor Works Category which is a compliant route to procure such services as per the Council's Contract Standing order (CSO) 8.01 and Regulation 34 of the Public Contracts Regulations 2015 under which the DPS was procured.

6.3.3. Pursuant to the Council's Contract Standing Order (CSO) 2.01(c), Cabinet has power to approve the award of a contract where the value of the contract is £500,000 or more and as such the recommendation in paragraph 2 of the report is in line with the Council's CSO.

6.3.4. Further to paragraph 6.3.3 above, the recommendation in paragraph 2.4 of the report to delegate authority to the Delivery Director to sign off any instructions that may be required to be discharged from the contingencies is in line with law. Cabinet has power under the Local Government Act 2000 to delegate the discharge of any of its functions to an officer (S.9E (Discharge of Functions)).

6.3.5. The Director for Legal and Governance (Monitoring Officer) sees no legal reasons preventing the approval of the recommendations in the report.

6.4. Equality

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

- 6.4.2. The three parts of the duty applies 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. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 6.4.3. The proposed decision relates to build completion works on the site known as Topham Square Car Park N17.
- 6.4.4. The decision will increase the supply of Council rented homes to local residents. This is likely to have a positive impact on individuals in temporary accommodation as well as those who are vulnerable to homelessness. Data held by the council suggests that women, young people, and BAME communities are over-represented among those living in temporary accommodation. Furthermore, individuals with these protected characteristics, as well as those who identify as LGBTQ+ and individuals with disabilities are known to be vulnerable to homelessness.
- 6.4.5. It is further noted that some of the new homes are fully accessible for wheelchair users which will benefit residents with certain disabilities. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.
- 6.4.6. As an organisation carrying out a public function on behalf of a public body, the Contractor, will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above. Appropriate contract management arrangements will be established to ensure that the delivery of the major works does not result in any preventable or disproportionate inequality.

7. Use of Appendices

- 7.1. Appendix 1 – Exempt financial report
7.2. Appendix 2 - Exempt tender cost report

8. Background papers

- 8.1. NEW CONTRACTUAL ARRANGEMENT WITH AN EXISTING CONSTRUCTION COMPANY CONTRACTED WITH THE Council, Cabinet Member Signing Wednesday, 26th July 2023 2.30 pm

- 8.2. Member Signing Minutes Final 8 March 2022