



Haringey Council

REPORT TEMPLATE

Agenda item:

(No.)

Procurement Committee

On 15th May 2008

Report Title: **South Tottenham Decent Homes Works Phase ST4.**

Forward Plan reference number (if applicable):

Report of: **Niall Bolger, Director of Urban Environment**

Wards(s) affected: **Tottenham Green**

Report for: **Key Decision**

1. Purpose

1.1 To inform Members that the Decent Homes Programme for Osman Close, Tewkesbury Close, Moreton Road and Moreton Close N15 will commence on 16th June 2008.

2. Introduction by Cabinet Member (if necessary)

2.1 In accordance with our commitment to achieve Decent Homes standards to our homes, properties within this phase have been surveyed and works will include, where required on an individual basis to achieve Decent Homes Standards, replacement Double Glazed windows, Multilock 'Secure by Design' Front entrance doors, internal rewires, kitchen and bathroom refurbishment and roof renewal (flat to pitched)

3. Recommendations

3.1 That Procurement Committee agree to award the contract for the above project, as allowed under Contract Standing Order (CSO) 11.01(a), subject to final consideration of any leaseholder observations at the expiry of the second Section 20 Notice period which is scheduled to expire on 21st May 2008.

3.2 That the Director Urban Environment approves the award of contract after expiry of the second Section 20 Notice period and the consideration of

comments received from leaseholders

Report Authorised by: **Niall Bolger, Director of Urban Environment**

Contact Officer: **Larry Ainsworth**
Strategic Client Representative
Homes for Harlingey, River Park House (6th Floor)
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4. Chief Finance Officer Comments

4.1 It should be noted that on 13th Feb 2007, this committee approved framework agreements to Decent Homes contractors and 4 compliance teams, to cover 4 areas. This report details the specific works needed to the 77 properties in the ST area, priced in accordance with the framework agreement.

4.2 Members will be aware that DCLG has approved the funding for Decent Homes, totalling £198.5m phased over six years of which £23m has been approved for 2008-09. This scheme is included in the schedule for 2008-09, thus will be funded from this budget

5. Head of Legal Services Comments

5.1 This report is seeking Procurement Committee approval to award a call-off contract for Decent Homes works in the South Tottenham area to the contractor recommended in paragraph 3 of this report.

5.2 Cabinet Procurement committee had on 13th February 2007 granted approval to the award of four Decent Homes Constructor Partner Framework Agreements in respect of four areas within the Borough (Wood Green, Hornsey, North Tottenham and South Tottenham) to four respective contractors, of which the recommended contractor is one.

5.3 The Framework Agreements were tendered in the EU and selection of the Framework contractors was undertaken in compliance with the Public Contracts Regulations 2006, as confirmed by external legal advisers (Trowers and Hamlin) who provided legal advice on the procurement of the Framework Agreements.

5.4 The contractor recommended in Paragraph 3 of this report was awarded the Framework Agreement in respect of the South Tottenham area.

5.5 As the value of the contract is above the Council's Key Decision threshold of £500,000, the Council's Arms Length Management Organisation, Homes for Harlingey, who undertook the procurement of the contract on behalf of the

Council have confirmed that in accordance with CSO 11.04, details of this contract have been included on the Forward Plan (Version 71).

5.6 As the value of the proposed contract exceeds £250,000 the award must be agreed by the Procurement Committee in accordance with CSO 11.3.

5.7 The Head of Legal Services confirms that there are no legal reasons preventing Members from approving the recommendation as to the award, as set out in paragraph 3 of this report.

6. Head of Procurement Comments

6.1 The selection of the contractor for these works has been undertaken from the Decent Homes contractor framework.

6.2 The Client needs ensure that a risk register is in place for the works and are monitored on a regular basis

6.3 An agreed Maximum price has been agreed by the parties prior to start on site in accordance with the process allowed under the form of contract.

6.4 The Head of Procurement therefore state that the recommendations in this report offer best value for the Council.

7. Local Government (Access to Information) Act 1985

7.1 The background papers relating to this project are:

- 'The Award of Framework Agreements to four Decent Homes Constructors Partners'.
- Pre Qualification Questionnaires (PQQ) Responses from Constructors dated September 2006.
- Short List Report dated October 2006
- Invitation to Tender Document dated October 2006
- Tender Reports dated February 2007

These can be obtained from Larry Ainsworth – Strategic Client Representative on 020 8489 1134.

7.2 This report contains exempt and non exempt information. Exempt information is

is contained in Appendix A of this report and is **NOT FOR PUBLICATION**. The exempt information is under the following category (identified in the amended Schedule 12A of the Local Government Act 1972):

8. Strategic Implications

8.1 The works within this phase form part of the overall Decent Homes Programme.
This phase is part of our commitment to commence decent homes works in May 2008.

9. Financial Implications

9.1 This scheme is estimated to cost the amount set out in paragraph 2.3 of Appendix A.

9.2 Provision for this exists within the Decent Homes Budget for 2008/2009.

10. Legal Implications

10.1 See section 5 above

11. Equalities Implications

11.1 The works will ensure that all tenants and leaseholders living throughout the borough will reside in a decent home by the end of this programme of work.

11.2 This improvement will benefit all occupants of the properties, which include disabled, elderly and people from the minority ethnic communities.

12. Consultation

12.1 Homes for Haringey have carried out detailed consultation on this project by a resident meeting and detailed newsletters.

13. Background

13.1 The requirement for all local authority homes to meet the Decent Homes Standard was set out by The Office of the Deputy Prime Minister (ODPM) now known as Department for Communities and Local Government (DCLG) in February 2003. The objective of the Decent Homes Standard is that every tenanted home should be decent in accordance with the guidelines of the ODPM (now DCLG) by December 2010.

13.2 The Decent Homes Programme is a long term programme of major investment to bring all tenanted homes up to a decent standard. Environmental improvements, including sustainability issues, may represent up to 5% of the overall programme.

13.3 Managing and delivering the Decent Homes programme to cost, time and to the expectation of the tenants and residents of Haringey is

paramount and as such requires the appointment of Constructors with a proven track record of delivering a similar programme for other Local Authorities/ALMOs.

13.4 On 13th Feb 2007, this committee approved the framework agreements to four Decent Homes contractors and 4 compliance teams, to cover 4 areas. This report details the specific works needed to the 96 properties in the South Tottenham area, priced in accordance with the framework agreement.

13.5 The procurement and delivery of the Decent Homes Constructors has been managed by Homes for Haringey under the terms of its management agreement with the Council.

	Number of dwellings in project	
96	Total estimated construction cost (excluding fees) para 2.1 Appendix A	
	Anticipated Contract start on site	16 th June 2008
	Anticipated Contract completion	20 th February 2008
	Contract duration	36 weeks
	Contractor	Apollo London Ltd

14. Agreed Maximum Price

14.1 The Agreed maximum price is based on the schedule of rates contained within the contractors tender returned 30th November 2006.

14.2 The Agreed Maximum Price is the procedure for determining the cost of a project under the PPC2000 (Project Partnering Contract) form of contract. The PPC2000 form of contract was formed from the 'Egan Report' and was designed to allow the early appointment of constructors and specialists.

14.3 It is designed to allow for a multi party approach by the client, constructor, consultants and specialists to provide a consistent approach to working within a partnering ethos.

14.4 PPC2000 provides the opportunity to progress joint selection of supply chains and supply chain partnering to encompass value engineering and allows for 'open book' accountability.

15.0 Proposed Work

15.1 The works will include, where required on an individual basis to achieve Decent Homes Standards, replacement Double Glazed windows, Multilock 'Secure by Design' Front entrance doors, internal rewires/upgrades, kitchen and bathroom refurbishment and roof renewal (flat to pitched)

Type of Dwellings	No. of Units
Medium rise blocks	96

15.2 The properties in this project are located at:

Osman Close, Tewkesbury Close, Moreton Road and Moreton Close N15.

16.0 Leasehold Information

16.1 There are 38 leaseholders in this phase of works and they are as follows:

Osman Close. 2, 9, 12, 15, 16, 20.
Moreton Road. 3, 4, 6, 7, 8, 10, 13, 15, 16, 19, 20, 21, 22.
Tewkesbury Close. 1, 3, 7, 11, 12, 18, 19, 23, 24.
Moreton Close. 2, 6, 10, 11, 13, 17, 18, 19, 20, 22.

17.0 Leasehold Consultation

17.1 Homes for Haringey is conducting formal consultation with every leaseholder in the Borough in order to fulfil the Council's obligations under The Service Charges (Consultation Requirements) (England) Regulations 2003 ('the Regulations'). A Notice of Intention to appoint Constructor Partners was sent to leaseholders on the 21st of July 2006. The form and content of the Notice was approved by Mr Jonathan Brock, a leading property law Queen's Counsel, before it was issued. In March last year the LVT awarded the dispensation in respect of the appointment of the Constructor Partners.

18.0 Leasehold Implications

18.1 As a result of applications made under the Right to Buy legislation, there are 38 leaseholders as well as council tenants, living in the properties affected by the works described in this report.

18.2 Under the terms of their lease the lessee is required to make a contribution towards the cost of maintaining in good condition the main structure, the common parts and common services of the building. Such contributions are recovered by the freeholder through the lessees service charge account.

18.3 In accordance with the Commonhold and Leasehold Regulation 2002, under schedule 3, notice was issued on the 22nd April 2008 to expire on the 21st May 2008.

18.4 The notice will give a description of the proposed works and provided details for the costs of the works. The leaseholder consultation process will not be complete until 30 days after the date of the serving of the Notice. The Legal Service is satisfied that leaseholder consultation has been carried out to date in accordance with the relevant legal requirements.

18.5 The total amount estimated to be recovered from the 38 leaseholders is £451,173.35 detailed in Appendix C.

18.6 The charges to all 38 leaseholders are limited to the estimates contained in their Offer Notices. Invoices for these works are included with the annual Certificate of Actual Service Charge, which is sent to every leaseholder after the end of the financial year. Each invoice will be calculated on the basis of the stage payments and other costs incurred in respect of the contract during the year. The invoice will be payable interest free over a period of up to one year. For longer periods interest is chargeable, currently at 7.46%.

18.7 No works will commence on site until completion of the notice period or if there is an outstanding leasehold enquiry as a result of the notice

19.0 Project Management

19.1 Homes for Haringey, managing this contract on behalf of the Council have appointed a project manager to manage the project team. A risk assessment has been carried out and it will be reviewed at the monthly progress meeting.

19.2 The key members of the project team are as follows:

Larry Ainsworth Haringey	Strategic Client Representative – Homes for
Alan Falder/ Richard Dicker	Compliance Team – Potter Raper
Fiona Rodney -	Tenancy Management Officer

20.0 Health and Safety Implications

20.1 All contractors invited to tender have been assessed as competent under the Construction Health and Safety Assessment Scheme

(CHAS), which is an industry-wide body. They also comply with the requirements of the Council's Health and Safety policy.

20.2 The Construction (Design and Management) Regulations 2007 apply to this project and the contractor's Construction Phase Health and Safety Plan will be checked and approved by the CDM Co-ordinator before works start on site.

21. Conclusion

21.1 That the procurement committee accept the recommendations outlined in section 3 above.

22. Use of Appendices/Tables/Photographs

Appendices A and C Exempt information