



## Officer Key Decision For Libraries, Arts & Heritage

### Report from the Corporate Director of Resident Services

## AUTHORITY TO AWARD CONTRACT FOR REFURBISHMENT WORKS AT HARLESDEN LIBRARY

<b>Wards Affected:</b>	Harlesden & Kensal Green
<b>Key or Non-Key Decision:</b>	Key Decision
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 1 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
<b>No. of Appendices:</b>	Appendix 1 – exempt Appendix 2 – Evaluation Grid
<b>Background Papers<sup>1</sup>:</b>	None
<b>Contact Officer(s):</b> (Name, Title, Contact Details)	Stephanie Wilson Library, Arts and Heritage Manager <a href="mailto:Stephanie.Wilson@brent.gov.uk">Stephanie.Wilson@brent.gov.uk</a>  Peter Baxter Libraries, Arts & Heritage Manager <a href="mailto:Peter.Baxter@brent.gov.uk">Peter.Baxter@brent.gov.uk</a>

### 1.0 Purpose of the Report

- 1.1 This report concerns the procurement of a contract for the internal alterations and refurbishment of Harlesden Library. This report requests authority to award the contract for refurbishment works at Harlesden Library as required by Contract Standing Order 88. This report summarises the process undertaken in tendering this contract and, following the completion of the evaluation of the tenders, recommends to whom the contract should be awarded.

## 2.0 Recommendation(s)

That the Corporate Director of Resident Services:

- 2.1 Approves the award of the contract for Refurbishment works at Harlesden Library to Etec Contracts Services Ltd for the sum of £737,880.03.

## 3.0 Detail

- 3.1.1 The proposed works under the contract is for the internal alterations and refurbishment of Harlesden Library, including improvement of the general facilities and accessibility of the library, creation of a dedicated space for the Hub advice and digital offer and bringing a disused classroom into use as a community and cultural event space. The Scope of the works also included, flooring, lighting, partial replacement of windows, internal redecorations, fixtures and fittings and refurbishment of existing toilets and kitchen areas.
- 3.1.2 Officers worked with FG Library Design company to design plan which was necessary for the submission of the project funding application. This approach is based on the model successfully used in a recent refurbishment of The Library at Willesden Green.

### The Tender Process

- 3.2 Advertisements were placed On the London Tender Portal with ref. No. DN618732 on **24.06.2022** to seek initial expressions of interest, which elicited 62 initial enquires. All Contractors were provided with an outline specification and details of the tender approach and were invited to complete a selection questionnaire using London Tender Portal. 6 contractors subsequently completed the questionnaire.
- 3.3 The tendering instructions stated that the contract would be awarded on the basis of the most economically advantageous offer to the Council and that in evaluating tenders, the Council would have regarded to the following:
  - Demonstrated ability to provide the service
  - Quality assessment
  - Value for money and price

## **Evaluation process**

- 3.4 The tender evaluation was carried out by a panel of officers from Property and Asset team and moderated by Procurement.
- 3.5 All tenders had to be submitted electronically no later than 22.07.2022 at 12:00 noon. Tenders were opened on 25/07/2022 at 11:48:12 and 6 valid tenders were received. Each member of the evaluation panel read the tenders and carried out an initial evaluation of how well they considered each of the award criteria was addressed in the tender.
- 3.6 The panel met on 17.08.2022 and each submission was marked by the whole panel against the award criteria.
- 3.7 The names of the tenderers are contained in Appendix 1. The scores received by the tenderers are included in Appendix 2. It will be noted that **Supplier 1** was the highest scoring tenderer. Officers therefore recommend the award of the contract to Supplier 1, namely Etec Contract Services Ltd.
- 3.8 The contract will commence on 23.09.2022

## **4.0 Financial Implications**

- 4.1 Part 3 of the Council's Constitution states that the Corporate Director of Resident Services has delegated authority to approve the award of contracts for works valued at less than £5 million to tender which was agreed and approved.
- 4.2 The estimated value of this contract is £737,880.03.
- 4.3 It is anticipated that the cost of this contract will be funded from an Arts Council England (ACE) grant of £285,000 and matched internal funding of £320,000 as agreed at Capital Programme Board early 2022.

## **5.0 Legal Implications**

- 5.1 The contract falls within the definition of 'public works contract' under the Public Contracts Regulations 2015 ('PCR') but as the value of the contract is below the threshold for works under the PCR the award is not governed by the full requirements of the PCR.
- 5.2 The award of the contract is however subject to the Council's own Standing Orders in respect of Medium Value Contracts and Financial Regulations as regards the requirement to undertake a competitive procurement by way of a Single Stage or Two Stage Tender process (under CSO 96) before the contract is awarded. Officers have set out the procurement process undertaken in respect of the contract in section 3 above which is in accordance with the CSO 96.

- 5.3 Under Part 3 of the Constitution, at paragraph 9.5 in section 3(a) of the table therein, relevant Corporate Directors have delegated to them authority to award Medium Value Contracts, so far as the contract relates to the service area which they are responsible for. As this contract relates to area which the Corporate Director Resident Services is responsible for, it is considered that the Corporate Director Resident Services has delegated authority to approve the award of the contract.
- 5.4 The contract will be administered using the JCT Minor Works (with Contractor's Design) 2016 with the Council's amendments.

## **6.0 Equality Implications**

- 6.1 The Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,

pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

- 6.2 Under the Public Sector Equality Duty, having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.4 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

## **7.0 Consultation with Ward Members and Stakeholders**

7.1 The Cabinet Member for Community Engagement, Equalities & Culture was fully briefed and is in support of the project from the outset. Further engagement is planned with the ward members as the project progresses. Key colleagues in the property and procurement teams have also been involved in the development of the project and proposals and will continue to be involved throughout contracting and delivery. Stakeholders in the building, including Brent Hubs and Brent Start have been engaged and regular project stakeholder meetings are in place. Community sector engagement took place during the fundraising stage in September. Further engagement with the public and community sector commenced from June 2022.

## **8.0 Human Resources/Property Implications (if appropriate)**

8.1 The works will be carried out by an external contractor and there are no implications for Council staff from the tendering of the contract.

## **9.0 Public Services (Social Value) Act 2012**

9.1 The Council is under duty pursuant to the Public Services (Social Value) Act 2012 (“the Social Value Act”) to consider how services being procured might improve the economic, social and environmental well-being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. This duty does not strictly apply to the proposed contract as it is not a services contract. Nevertheless, Officers have had regard to considerations contained in the Social Value Act in relation to the procurement.

9.2 A weighting of 10% is allocated for Social Value and has been included within the final tender documents, this was evaluated as part of the evaluation and scored between 0-5. The commitments are contractually required to be delivered and therefore have a monetary value against each element. Commitments will be monitored via the contract manager and in circumstances where Social value are failing commitment we are able to call upon the monetary values and in this occurrence the funds will be diverted the LBB Social Value pot which is dedicated to supporting local businesses within the borough.

**Report sign off:**

*Peter Gadsdon*

Corporate Director Resident Services