



ADUR & WORTHING
COUNCILS

Executive Members for
Customer Services
10 September 2020

Decision to be taken on or after
18 September 2020

Key Decision: Yes

Ward(s) Affected: Peverel Ward

Bushby Close - Internal & External Repairs

Report by the Director for Communities

Executive Summary

Purpose

- 1.1 The Council's intention is to enter into a contract with the successful contractor to refurbish Bushby Close communal way.
- 1.2 This report outlines the process that has been undertaken to tender and evaluate potential providers of this service and recommends that a contract is awarded to Whittle Programmed Maintenance Limited (trading as Hankinson Whittle).

Recommendations

- 2.1 To award this contract to Whittle Programmed Maintenance Limited who emerged as the preferred bidder following a competitive tender process.
- 2.2 That delegated authority be provided to the Head of Housing to award the contract (subject to contract) and thereafter execute it on behalf of Adur District Council.

3.0 Context

- 3.1 This contract represents the second of two phases financed by the Councils Capital Investment Works Programme, intended to enhance the common parts and external areas of all blocks located within the

Bushby Close estate. Lessons learned from phase one have been applied to inform the second phase of this programme.

- 3.2 Bushby Close is located in the parish of Sompting on the Sompting/Lancing border. It is a residential cul-de-sac accessed via Tower Road in the south, with Cokeham Lane to the west, Leconfield Road to the east, and Lancing United Football Club to the north.
- 3.3 All blocks provide general needs housing accommodation and are purpose built (late 1970's) of traditional construction, low-rise residential flats. Much of the landlord's managed common way/shared access parts remain as originally constructed.
- 3.4 The scope of proposed works generally comprise
 - Replacement of both front and rear timber framed common entrance door/screen combination sets with aluminium framed units.
 - Replacement of both front and rear timber frame curtain walling over common entrance doors with aluminium framed units.
 - Replacement of door entry security control system between main entrance door and each individual flat.
 - Replacement entrance canopy / bin store flat roof coverings with a cold applied liquid elastomeric membrane.
 - Redecoration of internal common ways and replacement floor coverings.
 - Replacement soffits, fascias and rainwater goods with UPVC.
 - Provision of new/top-up loft insulation to individual top floor flats.
 - Controlled removal of asbestos containing material.
- 3.5 The works are being tendered to one Principal Contractor who shall appoint their own subcontractors to carry out various key elements of the work. This will include; a door and curtain walling specialist, door entry system installation specialist, asbestos removals, decorators, vinyl floor layers and liquid applied flat roofing specialist.
- 3.6 This report outlines the process that has been undertaken to tender and evaluate potential providers of this service and recommends that a contract is awarded to Whittle Programmed Maintenance Limited.

4.0 Issues for consideration

- 4.1 The works have been tendered on the JCT Intermediate Building Contract (IC) 2016. This is on the basis of a traditional procurement method for relatively straightforward works with client-led design prior to tender.
- 4.2 This forms a lump sum contract with monthly interim payments and allows for sectional completion as work progresses which shall be administered by the Contract Administrator..
- 4.3 The contract was published on InTend and Contracts Finder on 31/01/2020 with a procurement period of 4 weeks and a tender return date of 28/02/2020..
- 4.4 A total of 31 tenders were received though many withdrew for various reasons, leaving 9 tenders which were evaluated on both quality and price carrying a weighting of 30% for quality and 70% for price.
- 4.5 The tender report provides more information on how the tenders were evaluated.
- 4.6 Hankinson Whittle did not provide the most economically advantageous tender, but when the scoring methodology was applied they were identified as the preferred bidder.
- 4.7 A review of Whittle Programmed Maintenance Limited and Hankinson Whittle Programmed Maintenance Limited was undertaken on Companies House. A number of current charges are lodged against Whittle Programmed Maintenance Limited, in addition to some recent changes in staff, and the company appears to be operating at a loss. Hankinson Whittle Programmed Limited was incorporated in June 2018. See Finance Team comments below.
- 4.8 Whittle Programmed Maintenance Limited's cost for undertaking the works is £565,377.41, which will be subject to a 12% professional services fee to be applied to the contract sum, alongside any precontract costs (asbestos R&D survey costs of £4,975.00), making the budget cost for the works £577,136.94.

5.0 Other options considered

- 5.1 Do not award a contract - Adur District Council has a legal duty to ensure that its properties are kept in good repair, therefore the works need to be carried out.

6.0 Engagement and Communication

6.1 Engagement

The first stage of statutory leasehold consultation ("Notice of Intention") took place between November and December 2019. A formal observation was received from one leaseholder during the consultation period. A further stage of consultation will take place with leaseholders giving them details of the tenders received and the estimated cost from the preferred bidder

In January 2020 Residents were consulted as to whether they would like a trade button installed on the new door entry system. The outcome was that residents did want a Trade button and this has been added to the specification.

6.2 Communication

In November 2019 all residents were notified of the intention to carry out the works at Beachcroft Place in Spring 2020, and were invited to comment on the proposals. Residents welcomed the proposals with no objections observed. Due to the Covid19 pandemic, a letter was sent in March 2020 to explain the works would be delayed until it was safe to resume on site. In July 2020 residents were informed that the Asbestos surveyors would be carrying out onsite tests, with the intention for the works to start afterwards. Once the contract has been awarded further notification and consultation will take place with residents and continue throughout the works.

7.0 Financial Implications

- 7.1 The works are to be funded from the Capital Investment Programme external works budget
- 7.2 The Council's Finance team has undertaken an initial finance check for potential risks in appointing Hankinson Whittle to the project. The maximum credit recommendation is £45,500. However, under the

terms of their appointment the Council would not be offering credit of any kind as payment will only be made for works completed.

- 7.2 The sections applied to the project in the tender package must be adhered to strictly to mitigate any impact on residents if there is a financial issue down the line. With this control measure and the fact that we conduct monthly valuations and pay in arrears there would be no reason not to award the contract..

8.0 Legal Implications

- 8.1 s1 of the Localism Act 2011 empowers the Council to do anything an individual can do apart from that which is specifically prohibited by pre-existing legislation.
- 8.2 s1 Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.3 Although there will be some professional services arising from the works, the predominant purpose of the contract is for carrying out works to Adur Homes' buildings. As the value of the works is below the EU threshold for a public works contract, it therefore needs to be procured in accordance with the Council's contract standing orders.
- 8.4 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of any of their functions.
- 8.5 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 8.6 Where the Council as Landlord is entitled to recover a contribution from leaseholders towards the works and that contribution will be more than £250.00 per contributing leaseholder, then prior to entering into the envisaged Contract, the Council must consult with all leaseholders in accordance with section 20 of the Landlord and Tenant Act 1985 by following the consultation procedure set out in Schedule 4 to The

Service Charges (Consultation Requirements) (England) Regulations
2003.

Background Papers

- [TENDER REPORT - Bushby Close](#)

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Sustainability & Risk Assessment

1. Economic

Issues considered not directly relevant

2. Social

2.1 Social Value

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer

2.2 Equality Issues

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer and engage more fully in society

2.3 Community Safety Issues (Section 17)

Improved fire safety to the building will enable our residents to be safe in their homes and remain independent for longer

2.4 Human Rights Issues

Improved fire safety to the building supports the rights of our residents to be safe in their homes and remain independent for longer and engage more fully in society

3. Environmental

Issues considered no impact

4. Governance

Continued governance via contract management and council decision making processes