

PORTFOLIO HOLDERS DECISION NOTICE

1 December 2023

(Published 1 December 2023)

This document lists the decision taken by the Deputy Leader and Portfolio Holder for Housing on 30 November 2023.

A decision may be implemented with immediate effect, unless it is eligible for call-in as identified below, whereupon a decision will not be implemented until five working days have elapsed.

Decision Taker	Decision	Reasons for Decision	Any Options Rejected	Declared Conflict of Interest?	Eligible for Call-In?
<p>Deputy Leader and Portfolio Holder for Housing</p> <p>Councillor David Carter</p>	<p><u>Contract Award – Fire Safety Works in 1-56 Morley Grove Flats</u></p> <p>RESOLVED that the most advantageous tender submitted by Contractor A (Borras Construction Ltd) is accepted in the sum of £697,090.26 for the delivery of Fire Safety Works to 1 – 56 Morley Grove based on a sixteen-week working programme and four week lead in (subject to contract and</p>	<p>To enable the Council to enter a formal contract for fire safety works in accordance with Contracts Standing Orders as recommended by Harlow Council's appointed fire engineer.</p>	<p>A Withdraw the fire safety work.</p> <p>i) Recommendations from the fire risk assessment won't be addressed and Harlow Council will not be meeting their legal obligations to keep residents safe if withdrawn.</p> <p>ii) Additionally, Harlow Council will not be adhering to the following legal and duty of care requirements as landlord:</p> <ul style="list-style-type: none"> Landlord and Tenant Act 1985 (Section 9 &11); 	<p>None</p>	<p>Yes</p>

leaseholder consultation).

- Homes (Fitness for Human Habitation) Act 2018;
- Housing Act 2004 (The Housing Health and Safety Rating System (HHSRS));
- The Regulatory Reform (Fire Safety) Order 2005;
- Building Safety Act 2022;
- The Fire Safety (England) Regulations 2022; and
- Decent home standard.

B Reduce the package/partially undertake the work.

- i) The works to this block are wholly fire safety works necessary to improve fire safety and ensure the safety of residents and

visitors to the block, it is in the Councils interest to address these without delay. Failure to undertake these works will leave the Council open to litigation due to failure to adhere to fire safety requirements and the legislation detailed above.

- ii) It is more cost effective to package works together to benefit from the economy of scale and reduce duplicating or increasing costs that form a package of works such as site set up, access equipment, welfare, contractor prelims, management costs etc. that would be attracted if the works were not undertaken collectively.

C Use alternative contractor (B or C).

- i) The Council award contracts based on the most advantageous tender. We consider, not only price but also quality as follows:

- Evidence of qualifications and experience;
- How proposed procurements could make local improvements and how these could be delivered via the procurement process;
- How what is being procured may improve the economic, social and environmental wellbeing of Harlow and the surrounding areas; and
- Equality, diversity and sustainability issues.

Contractors B and C did not score as high on quality or price (see table in paragraph 11) therefore it would not be in the Council's interests to proceed with these contractors for this programme of works.