

# PORTFOLIO HOLDERS DECISION NOTICE

**6 November 2024**

(Published 6 November 2024)

This document lists the decision taken by the Deputy Leader and Portfolio Holder for Housing on 6 November 2024.

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><b>Deputy Leader and Portfolio Holder for Housing</b></p> <p>David Carter</p>	<p><u>Contract Award – Fire Safety Work and block refurbishment in 126-137 Felmongers</u></p> <p><b>A</b> The most economically advantageous tender submitted by Contractor A - HTS (P&amp;E) Ltd, is accepted in the revised sum of £733,811.76, subject to contract and leaseholder consultation.</p>	<p><b>A</b> To enable the Council to enter into a formal contract for internal and external refurbishment plus fire safety works at 126-137 Felmongers, in accordance with Contract Standing Orders.</p>	<p><b>A</b> Recommended Option - Proceed with the refurbishment work - Proceeding with refurbishment will remedy risks and hazards identified in the fire risk assessment, improve the condition and thermal efficiency of the building structure, communal areas and exterior of the block, thus reducing repairs and maintenance costs and ensuring</p>	<p>None.</p>	<p>Yes</p>

compliance with the Council's legal obligations as Freeholder and Landlord.

**B** Option 2 - Withdraw the refurbishment work - Withdrawal of the works will result in further deterioration and failure of non serviceable elements of the building structure, communal areas and exterior of the block. To mitigate this, the block must be maintained to ensure it is weathertight and therefore habitable, free from defect and disrepair, in compliance with the decent home's standard. Recommendations from the fire risk assessment won't be addressed, thus Harlow Council will

not be meeting its legal obligations to keep residents safe. Additionally, Harlow Council will not be adhering to the following legal and duty of care requirements as Landlord:

- i) Landlord and Tenant Act 1985 (Section 9 & 11)
- ii) Homes (Fitness for Human Habitation) Act 2018
- iii) Housing Act 2004 (The Housing Health and Safety Rating System (HHSRS))
- iv) The Regulatory Reform (Fire Safety) Order 2005
- v) Building

- vi) Safety Act 2022  
The Fire Safety (England) Regulations 2022
- vii) Decent Home standard

**C** Option 3 - Reduce the package/partially undertake the work - Works may be undertaken separately or partially, however there is a risk that this approach would leave Harlow Council open to litigation due to failure to adhere to the legislation detailed above, where health and safety issues, failing or deteriorated elements of the building are not addressed. 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 refurbishment works such as site set up, welfare, contractor prelims and management costs. etc.

**D** Option 4 - Use alternative contractor (B, C, D, or E) - The Council award contracts based on the most advantageous tender. Bids have been evaluated against a pre-determined Quality/Price Model, taking into consideration price plus a quality element, as follows:

- i) evidence of qualifications, experience,

			<p>ii) method statements and risk management how proposed procurements could make local improvements and how these could be delivered via the procurement process</p> <p>iii) how what is being procured may improve the economic, social and environmental wellbeing of Harlow and the surrounding areas</p> <p>iv) equality, diversity and sustainability issues</p>		
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