

Officer Delegated Decision 15 July 2021**Report title: Lambeth (L3) Public Realm Protection Proposals 2021****Wards:** Coldharbour**Portfolio:** Cllr Jacqui Dyer, Cabinet Member for Jobs, Skills and Community Safety**Report Authorised by:** Bayo Dosunmu, Strategic Director for Resident Services**Contact for enquiries:** Jay Ward, Project Manager, Capital Programmes, Highways and Sustainability, jward1@lambeth.gov.uk , tel: 020 7926 9004**Report summary**

The report seeks to approve the use of an additional £196,847 from the agreed Sustainable Transport /Public Realm capital budget to complete the Council's Public Realm Protection project and extend the contract purchase agreement limit with Allen Fencing Ltd, primarily linked to the increase in the price of steel of 20% due to Brexit and a further utilities contingency.

The original project allocation of £1,447,509 was agreed in July 2020. It is now requested that the total project allocation is increased by £196,847 to £1,644,356. The original contract value with Allen Fencing Ltd of £1,107,596 was contained within the July 2020 allocation, it is requested that the contract value with Allen Fencing Ltd is increased by £413,238 to £1,520,834 from within the increased total of £1,644,356.

Approval is also requested to waiver procurement standing orders for the supplier Michael Mee Ltd and award two contracts at a value of £11,500 and £29,280 respectively for the Council's Public Realm Protection projects.

Finance summary

The requested increase of £196,847 to this capital project will be drawn down from the existing allocation agreed in July 2020 from the Sustainable Transport/ Public Realm theme within the Capital Investment Programme. It is also requested that the contract value with Allen Fencing Ltd is increased by £413,238 to £1,520,834, which is funded from within the revised capital allocation.

Recommendations

1. To approve the use of an additional £196,847 from the agreed Sustainable Transport /Public Realm capital budget to fund specialist infrastructure that mitigates against risks arising from potential hostile vehicles.
2. To increase the contract value of Allen Fencing Ltd by £413,238, for the supply and installation measures as described in Part II of this report. The current contract value is £1,107,596 and it is proposed to increase this to £1,520,834. The contract term will continue to run for a period of 2 years from August 2020 until August 2022 to cover any delays to the programme.

3. To waiver the Lambeth Contract Standing Orders to use supplier Michael Mee Ltd to supply traffic management and consultancy for both the Council's security schemes: Lambeth L1 and Lambeth L3 under 17.2 a Demonstrable best Interest and 17.2 d Urgency.
4. To award Michael Mee Ltd the contracts to supply traffic management and consultancy to the value of £11,500 for Lambeth L1 and £29,280 for Lambeth L3 Public Realm Protection projects.

Reason for Exemption from Disclosure

The accompanying Part II report is exempt from disclosure by virtue of the following paragraphs of Schedule 12A to the Local Government Act 1972:

Paragraph 3: Information relating to the financial or business affairs of a particular person. (Including the authority holding that information); and

Paragraph 7: Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

1. Context

- 1.1. In February 2020, the Council's Community Safety team commissioned the Council's Highways, Capital Programmes and Sustainability service to develop and project manage the works necessary to prevent a hostile vehicle accessing the area to be protected. The project has been in the delivery phase since December 2020, with additional design and build requirements to the original brief being developed to meet Landowners sign off. In addition, the price of steel experienced a 20% blanket uplift based on Brexit and the Covid-19 Pandemic. This has applied nationally and indiscriminately.
- 1.2. Residents Services DMT (Procurement Category Board) approved a Gateway 2 (GW2) report recommending the direct award of the supply and install contract to Allen Fencing Ltd subject to an assessment of the quality and price quoted in response to the Council's Request for Quotation in June 2020. The value of the contract at that time was estimated at £1,107,596.00 which included a 15% contingency and was based on preliminary design.
- 1.3. The Gateway 3 (GW3) award confirming the award was signed off by the Strategic Director Bayo Dosunmu in July 2020 and can be found on the [Council's website](#).

2. Proposal and Reasons

- 2.1 A procurement exercise was undertaken in July 2020 as outlined in the Procurement heading item 9, where Allen Fencing Limited demonstrated best value and quality overall and were awarded the contract to deliver the security measures on Windrush Square.
- 2.2 There have been additional design and build requirements and the price of steel has increased due to Brexit and the Covid-19 pandemic. This is detailed in the Part II report. An industry blanket of 20% has been applied to HVM products from the supplier. Additional funding of £196,847 is required to complete the project.

3. Finance

- 3.1 The report seeks to approve the use of an additional £196,847 from the agreed Sustainable Transport /Public Realm capital budget to complete the Council's Public Realm Protection project and extend the contract purchase agreement limit with Allen Fencing Ltd, primarily linked to the increase in the price of steel of 20% due to Brexit and a further utilities contingency.
- 3.2 The original project allocation of £1,447,509 was agreed in July 2020. It is now requested that the total project allocation is increased by £196,847 to £1,644,356. The original contract value with Allen Fencing Ltd of £1,107,596 was contained within the July 2020 allocation and it is requested that the contract value with Allen Fencing Ltd is increased by £413,238 to £1,520,834 which will be funded from within the increased total of £1,644,356.

Expenditure

- 3.3 A detailed breakdown of costs and revenue implications can be found in the accompanying Part II report which totals £1,644,356.

4. Legal and Democracy

- 4.1 The authority to enact this report's recommendation is delegated to the Strategic Director Residents' Services. Before exercising that authority, this paper should be reviewed by a category board.
- 4.2 The value of the works is below the threshold at which works contracts must be published in the Official Journal and then competitively tendered using one of the procurement routes stipulated in Part 1 of the Public Contracts Regulations.
- 4.3 The appointment of Michael Mee Ltd should have been based upon that firm being the most economically advantageous of three quotes obtained.
- 4.4 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues, must be published on the website for five clear days before the decision is approved by the Director or Cabinet Member concerned. Any representations received during this period must be considered by the decision-maker before the decision is taken. The original decision was taken as a Key Decision.

5. Consultation and co-production

- 5.1 N/A

6. Risk management

- 6.1 Table 6.1 explains how risk severity is calculated. Non-exempt risks associated with the implementation and outcomes of the proposed scheme are outlined in table 6.2.

Table 6.1: Calculation of Risk Rating		Impact			
		Minor (1)	Significant (2)	Serious (4)	Major (8)
Likelihood	Very likely (4)	4	8	16	32
	Likely (3)	3	6	12	24

	Unlikely (2)	2	4	8	16
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Table 6.2 Project Risk Ratings as at 10 May 2021				
Risk	Likelihood	Impact	Score	Mitigation
The direct employment of Allen Fencing Ltd by the Council rather than through its main works contractor increases risk of contractual claims	2	1	2	The works are specialist in nature and need to be undertaken by an experienced provider. Direct employment achieves best value for the Council
Forecast costs are underestimated	2	1	2	Costs are now based on the received fees, derived from the Contractor's Bill of Quantities. The PM has also applied engineering estimates to the outstanding costs for minor bespoke work.
Utility costs are underestimated	3	2	6	Surveys and initial excavations have indicated potential conflict points. A 15% contingency figure has been allocated at this stage. There is potential for innovative solutions to be applied. The works need to be completed therefore the project would request further allocation from the Public Realm protection budget should this be required.
Potential for Covid-19 events to impact on the project	2	2	4	All infrastructure has now been purchased, however this risk may still apply if innovative items are required. The project now has 2 manufacturing suppliers at its disposal via Allens that are fully operational.
Potential for Brexit events to impact on the project	3	2	6	All infrastructure has now been purchased, should new products be required the rising cost of steel may be encountered. The works need to be completed therefore the project would request further allocation from the Public Realm protection budget.

7. Equalities Impact Assessment

- 7.1 The details and comments from the original report have not changed and are included below.
- 7.2 The Project Manager has screened the scheme's likely effect on people who have one or more of the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The screening looked at how the scheme might:

- Eliminate unlawful discrimination, harassment and victimisation,
- Advance equality of opportunity, and
- Foster good relations between those who share a protected characteristic and those who do not

7.3 Given the nature of the proposal it is deemed that visually impaired and disabled people in mobility vehicles may be disproportionately affected. However the measures have taken into account the dimensions of such vehicles and complies with the recommendations within the Transport Advisory Leaflets relevant to this type of infrastructure relating to spacing and alignment.

7.4 The cultural significance of Windrush Square for the Afro-Caribbean community is factored into the proposals. A separate piece of work regarding the aesthetics of the security infrastructure was undertaken where the bespoke bollard shrouds were accepted as being the most appropriate provision.

8. Community safety

8.1 The Police consider terrorism to be a long-term threat to London, so the city and the way its public spaces are planned should be adapted to prevent, protect and deter future attacks.

8.2 The Metropolitan Police Advisor has been engaged on the planning and development of options from project inception.

9. Organisational implications

Environmental

9.1 The project has considered the Healthy Streets Approach, enhancing the public realm to create spaces where people feel safe and want to walk, cycle and spend time.

9.2 The trees within the site will be retained and worked around as part of these proposals.

9.3 Contractors will be required to carry out works in adherence to Lambeth Council's Sustainable Construction Policy.

Health

9.4 The proposed measures will minimise the risk of potential loss of life and incidence of life changing injuries resulting from a vehicle borne terrorist attack on Windrush Square.

Corporate Parenting

9.5 None.

Staffing and accommodation

9.6 A staffing resource amounting to 0.6 FTE has been allocated in the Service Plan to deliver this project; this resource is already in post.

Procurement

9.7 Allen Fencing Ltd was awarded the contract following a competitive tender not only based on cost, but contractor availability, proven experience of installing the product in comparable

volumes, proven quality of final work achieving PAS 69 certification and include previous Client references.

- 9.8 The provider, Allen Fencing Ltd, is committed to ensuring all employed staff and sub-contractors, are paid the London Living Wage.
- 9.9 Allen Fencing Ltd will undertake all ancillary and enabling works associated with the installation of the permanent measures.
- 9.10 A D&B report has been carried out to determine the financial stability of the provider and their capacity to take on this contract. Based on the report the overall business risk is considered to be moderate and so they are considered an acceptable provider for the value and duration of this contract.
- 9.11 Michael Mee Ltd was approved by the Council to undertake a separate adjacent project following the three quote process. Due to the interface of the adjacent project and the Windrush project, consultancy services were required with urgency to ensure permissions and approvals from both Lambeth Streetworks and Transport for London were granted urgently to slot into the small windows of opportunity between emergency works. The supplier response period required was shorter than the framework contractor and the Windrush project programme duration falls outside the now disbanded framework contract.

Contract Management

- 9.12 The contract is and will continue to be managed under NEC3 Short Contract with weekly project meetings between the Lambeth Project Manager and the Allen Fencing Ltd Contract Manager.
- 9.13 The work is divided into 5 phases of delivery, which upon site visit and phase completion, payment is made in accordance with the contract.
- 9.14 Works with Michael Mee Ltd are managed on purchase order based on quote for works and paid on satisfactory completion of the task.

10. Timetable for implementation

Action	Date	Status
Officer Decision Made	June 2021	
Increase CPA limit with Allen Fencing Ltd	June 2021	
Build Finishes	September 2021	In progress

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Cllr Jacqui Dyer	Cabinet Member for Jobs, Skills and Community Safety	11.06.21	13.07.21	Approved
Bayo Dosunmu, Strategic Director	Resident Services	29.06.21	02.07.21	Approved
Michael Munnely, Assistant Director Infrastructure, Environment, Public Realm & Climate Change Delivery	Environment & Streetscene	17.06.21	22.06.21	Approved
Henrietta Jacobs, Senior Procurement Officer	Finance and Property	27.05.21		
Kevin Edger, Category Manager	Finance and Property	27.05.21	01.06.21	Throughout
Andrew Ramsden, Assistant Director of Finance	Resident Services	02.06.21	09.06.21	3
Michael O'Hora Senior Contracts Lawyer	Legal and Governance	02.06.21	02.06.21	4
Wayne Chandai, Democratic Services Officer	Legal and Governance	02.06.21	02.06.21	Throughout
Ismet Darendeli Investment Officer	Economy, Culture & Skills	02.06.21		None

Report History	
Report deadline	N/A
Date final report sent	
Part II Exempt from Disclosure/confidential accompanying report?	Yes
Key decision report	No
Key decision reasons	N/A
Background information	Lambeth (L3) Public Realm project report
Appendices	None

APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board and taken account of their advice and comments in completing the report for approval:

Signature: **Date:** 22/06/2021

Post: Michael Munnelly
Assistant Director Infrastructure, Environment, Public Realm & Climate Change Delivery

I approve the above recommendations:

Signature: **Date:** 02/07/2021

Post: Bayo Dosunmu
Strategic Director for Resident Services

Any declarations of interest (or exemptions granted): n/a

Any conflicts of interest: n/a

Any dispensations: n/a