

Decision Maker: EXECUTIVE

Date: For Pre-Decision Scrutiny by Renewal, Recreation and Housing PDS Committee on 14 March 2024

Decision Type: Non-Urgent Executive Key

Title: LIBRARY REPAIR WORKS PROGRAMME

Contact Officer: Lydia Lee, Assistant Director Culture and Regeneration
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Chief Officer: Director of Housing, Planning, Property and Regeneration

Ward: All Wards

1. Reason for decision/report and options

- 1.1 To provide an update on the library repair works programme, and to request authority to both proceed to tender, and award contracts, for works at four further library sites: Mottingham, Chislehurst, Burnt Ash and Orpington.
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2. RECOMMENDATION(S)

2.1 That the Renewal, Recreation and Housing PDS Committee:

- 1) Notes the contents of the report.

2.2 That the Council's Executive:

- 1) Agrees to proceed to a closed tender for the works contracts for Mottingham Library, Chislehurst Library, Burnt Ash Library and Orpington Library at an estimated total value split across two contracts of £4m; and,
- 2) Agrees to delegate authority to the Director of Housing, Planning, Property and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to award the two works contracts at estimated values of £1.4m (Burnt Ash and Chislehurst) and £2.6m (Mottingham and Orpington) as long as the winning tenders are affordable within the Operational Property Review library programme budget.

Impact on Vulnerable Adults and Children

1. Summary of Impact: The library service is free to access and available to all.
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Transformation Policy

1. Policy Status: Not Applicable
 2. Making Bromley Even Better Priority:
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence and making choices.
 - (5) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: £4m
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: OPR libraries budget
 4. Total current budget for this head: £11.016m
 5. Source of funding: Capital receipts
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Personnel

1. Number of staff (*current and additional*): 1 FTE
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Procurement

1. Summary of Procurement Implications: N/A
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications: Grant funding is being sought to bring forward more sustainable energy provision.
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Impact on the Local Economy

1. Summary of Local Economy Implications: Investment across the borough will have a positive economic impact, as will access to information for residents.
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications: N/A
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Customer Impact

1. Estimated number of users or customers (*current and projected*): The ONS mid-2022 population estimate for London Borough of Bromley was 329,578 people. There were 33,486 registered library members who used their library card to borrow an item in a Bromley library in 2023 representing 10.2% of the population of the Borough. This is a 7% increase on 2022 figures.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Library Repair Programme

- 3.1. A report was taken to the June 2023 RRH PDS on the library works programme which is part of the Operational Property Review. Report number HPR 2023/035. A further report was taken to the September 2023 RRH PDS and Executive meetings which approved proceeding to procurement and awards of contract for the consultancy services, Southborough Library works and Beckenham Library works. Report number HPR2023/050. These reports provide full background details for this scheme of work.
- 3.2. Following the approval of the report recommendations, officers went out to tender and awarded the contract for the consultancy contract to prepare the works specifications for the repair works to nine of the borough's 14 libraries.
- 3.3. The libraries included in the works programme are: Beckenham, Burnt Ash, Chislehurst, Hayes, Mottingham, Orpington, Penge, Petts Wood and Southborough.
- 3.4. As set out in the previous reports the following libraries are not included: Biggin Hill (Mytime Active is responsible for the maintenance of this site), Shortlands (Property is currently monitoring seasonal subsidence at this site), St Paul's Cray (repair works are already complete), West Wickham (subject to a separate redevelopment currently underway) and Central Library (this site is being considered separately).
- 3.5. For the recent 3-month period November 2023 to January 2024, since its relaunch in August 2023, St Paul's Cray Library & Community Support Centre has seen a 137% increase in visitors to the site compared to the previous January, and the library saw a 6.6% increase in items issued. This compares favourably to the rest of the library services which saw a smaller 4.5% and 4.7% increase (excluding online-only services) in the same time period.

Grant Funding

- 3.6. Officers continue to seek grant funding to bring forward additional improvements above and beyond the building repairs funded by the Council. So far £98,380 in grant funding has been secured from Arts Council England. This grant funding will enable the purchase of state of the art IT facilities, which can move around libraries and offer better access and facilities to customers and help the digitally disadvantaged.

Appointment of consultancy team

- 3.7. Ingleton Wood were appointed in November 2023 to provide multi-disciplinary services to support the delivery of the Library works programme. The procurement of this contract took significantly longer than planned and has caused programme delays.
- 3.8. Following a review of the original condition surveys and discussions with the librarians, the works specification for repairs at Southborough Library was produced at the end of 2023, and a closed tender procurement process was undertaken. Four tenders were received, and KJ Evans has been appointed (subject to the standstill period at the point of writing this report), at a fixed contract price of £510,034.03. This is within budget for this site. In tandem a planning application was also submitted, this was required due to the replacement of some windows. The unforeseen planning process at this site has also contributed to programme delays.
- 3.9. A notice of closure for Southborough Library was posted on 20/02/2024, providing the statutory 28 days' closure notice for Bromley residents, GLL Ltd and frontline staff. Works are therefore planned to begin at Southborough in late March, and the programme is expected to last 16 weeks, reopening in summer 2024.

- 3.10. Ingleton Wood are now in the process of preparing the works tender documentation for Beckenham Library. The works tender is planned to go live in March. A temporary library will be provided close-by during the closure of Beckenham as set out in the previous reports.
- 3.11. As with the repairs delivered at St Paul's Cray and those in the process of delivery at Southborough Libraries, the works tenders for the remaining sites including Beckenham will be based on the findings of the original condition surveys.
- 3.12. Following the Beckenham tender the following works timetable sets out the order in which the library works will now be undertaken and the estimated dates for site closures whilst the repairs are made.
- 3.13. This programme has been adjusted to speed up delivery, given that the programme is behind the original planned schedule. The programme is still due to be completed by the end of 2025. The next two works tenders will be published as pairs to speed up the procurement process. Burnt Ash and Chislehurst will be tendered as one works contract, and Mottingham and Orpington will be tendered as one works contract
- 3.14. Burnt Ash & Chislehurst and Mottingham & Orpington have been paired together to allow a quicker procurement process. Pairing smaller and larger libraries together has been done to create a more economically attractive and manageable parcel of work for bidders, taking into account the geographical spread of the sites, as outlined in previous reports.
- 3.15. The procurement approach to the works contracts for both Burnt Ash & Chislehurst and Mottingham & Orpington will be a closed tender process to ensure that contractors bidding for the works are sufficiently experienced in working on libraries and similar community spaces. Market engagement has been undertaken to identify four contractors with relevant experience, who will be asked to bid for the two upcoming contracts. If necessary, Officers may invite two further contractors to bid for the works, dependent on their relevant experience. A closed tender process allows the bidders to be warmed up in advance and notified of the tender publication date, this enables a faster process than an open tender. It also reduced the time required for evaluation as the number of bids is reduced. A framework route is not being undertaken as a suitable works framework has not been identified for this programme. The price quality split for evaluation will be 60/40 with detailed award criteria to be finalised as per the timetable in 3.16 based on the method statements and weightings used for similar tenders.
- 3.16. Preparation of the necessary procurement documents will commence approximately five months ahead of the estimated works period, ensuring sufficient time to collate the scope of works based on the original condition surveys. The preparation of the tender documents for Burnt Ash & Chislehurst will begin in March 2024, and the preparation for Orpington & Mottingham will begin in July 2024. The closed tender will be issued to bidders approximately ten weeks ahead of the estimated works period, allowing four weeks for tenderers to prepare their bids, and a further six weeks for evaluation, clarifications and award of contract. The tender for Burnt Ash & Chislehurst would be issued in June 2024, and the tender for Orpington & Mottingham would be issued in September 2024. This timeline will enable momentum to be maintained throughout 2024 and into 2025, ensuring works can be completed by the end of 2025.
- 3.17. Delegated authority of award of contract is sought to be able to keep up the speed of works. If officers are required to return to committee to award contracts, it will slow down the delivery timetable further.

	Library name	Estimated Works Period
1	Southborough	Mar 24 – Jul 24
2	Beckenham	May 24 – Feb 25
3	Burnt Ash	Aug 24 – Dec 24
4	Chislehurst	Oct 24 – Jul 25
5	Orpington	Dec 24 – Sep 25
6	Mottingham	Feb 25 – Jun 25
7	Petts Wood	Apr 25 – Aug 25
8	Penge	Jun 25 – Oct 25
9	Hayes	Aug 25 – Dec 25

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

4.1 The Library works programme will have a positive impact on vulnerable adults and children. Libraries are a statutory service and are free to access. Libraries support learning, training, wellbeing and access to information on housing and other services.

5. TRANSFORMATION/POLICY IMPLICATIONS

5.1 The repair programme will as far as possible provide opportunities for better, more intensive use of the library estate, including through the colocation of services. At St Paul’s Cray the library building now also hosts the local Community Support Centre.

6. FINANCIAL IMPLICATIONS

6.1 The paper requests approval to tender for the works contracts for Mottingham Library, Chislehurst Library, Burnt Ash Library and Orpington Library at an estimated total value split across two contracts of £4m.

6.2 This will be funded from the capital programme –as part of the Operational Property Review, which was approved by the Executive in January 2023.

6.3 The total approved budget in the capital programme for the libraries works is £11.016m. There is therefore sufficient budget within the capital programme to meet the cost of this contract and any contingency required, and so there should be no impact to the revenue budget from this contract award.

7. LEGAL IMPLICATIONS

7.1 This report seeks approval to;

- Proceed to tender for the libraries works contracts at estimated values of £1.4m (Burnt Ash and Chislehurst) and £2.6m (Mottingham and Orpington)
- Delegate authority to the Director of Housing, Planning, Property and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to award the two works contracts at estimated values of £1.4m (Burnt Ash and Chislehurst) and £2.6m (Mottingham and Orpington) as long as the winning tenders are affordable within the Operational Property Review library programme budget.

7.2 The Council has a duty under Section 7 of the Public Libraries and Museums Act 1964 to provide a “comprehensive and efficient” public library service, in particular that “facilities are available” and “encouraging adults and children to make full use of the library”. The Council has

both an implied and a specific power under section 111 of the Local Government Act 1972 to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

- 7.3 These are works contract, and the values fall below the thresholds set out in the Public Contracts Regulations 2015 (the Regulations) so the procurements are only subject to Part 4 of the Regulations. Any procurement must still comply with procurement principles of transparency and equal treatment.
- 7.4 For contracts of this value, a minimum of three written tenders must be obtained in accordance with 8.2.1 of the Council's Contract Procedure Rules (CPR's).

8. PROCUREMENT IMPLICATIONS

- 8.1 This report seeks approval to proceed to tender for the libraries works contracts at estimated values of £1.4m (Burnt Ash and Chislehurst) and £2.6m (Mottingham and Orpington) as well as grant delegated authority to the Director of Housing, Planning, Property and Regeneration in consultation with the Portfolio Holder for Renewal, Recreation and Housing, to award the subsequent contracts as long as the winning tenders are affordable within the Operational Property Review library programme budget.
- 8.2 This is a works contract, and the value of these procurements fall below the thresholds set out in Part 2 of the Public Contracts Regulations 2015, so is only subject to Part 4 of the Regulations.
- 8.3 However, the procurement must comply with PCR 2015 principles of transparency and equal treatment. Any time limits imposed, such as for responding to adverts and tenders, must be reasonable and proportionate.
- 8.4 It is noted that the Orpington and Mottingham procurement is due to be published in September 2024. If this was to be delayed until October 2024, new legislation (the Procurement Act 2023) may apply, introducing new procurement considerations.
- 8.5 The report requests that the contracts are procured via a closed (invitation only) procedure amongst 4-6 suppliers identified by the commissioner for their expertise. As such, this report also seeks permission to deviate from section 8.2.1 of the Council's Contract Procedure Rules, whereby contract opportunities of this value should be advertised publicly via Contracts Finder.
- 8.6 The Council's specific requirements for authorising proceeding to procurement are covered in 1.3 of the Contract Procedure Rules with the need to obtain the formal Agreement of the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance for a procurement of this value. In accordance with CPR 2.1.2, Officers must take all necessary professional advice.
- 8.7 In compliance with the Council's Contract Procedure Rules (Rule 3.6.1), this procurement must be carried out using the Council's e-procurement system.
- 8.8 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

9. PROPERTY IMPLICATIONS

- 9.1 The scope of works for the procurement of the main contractor and contract award should take into consideration all items noted in the Condition Survey of each building and associated external works that are noted as being in a poor or bad condition, whilst a view can be taken on items that are noted as falling into a poor condition within the next 10 years. As part of the Consultants commission a Planned Preventative Maintenance Plan should be produced upon completion of the works as this will enable the Council to plan and budget for its future investment to maintain the buildings.
- 9.2 The delivery programme for each library should allow for all necessary approvals to be in place prior to the works commencing.
- 9.3 In accordance with the lease between the Operator and council, a licence to access will need to be in place before works commence to each building

10. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 10.1 The repair programme will improve the energy efficiency of the library buildings. Grant funding will be actively sought to fund renewable energy sources. As part of the tenders for the consultancy contract a scored quality question was included on social value.

11. IMPACT ON THE LOCAL ECONOMY

- 11.1 The repair of the libraries, given their geographical spread and number, will have a positive impact on wider regeneration across the borough.

12. CUSTOMER IMPACT

- 12.1 The ONS mid-2022 population estimate for London Borough of Bromley was 329,578 people. There were 33,486 registered library members who used their library card to borrow an item in a Bromley library in 2023 representing 10.2% of the population of the Borough. This is a 7% increase on 2022 figures.
- 12.2 CIPFA's Public Library Statistics reported Bromley Libraries to have issued the most books of all participating London boroughs for the 2022-23 period, with 1,367,204 total books being issued across the borough's libraries in the year.

Non-Applicable Headings:	Personnel implications; impact on health and wellbeing; and ward councillor views
Background Documents: (Access via Contact Officer)	[List any documents used in preparation of this report - Title of document and date]