

Cabinet – 21 April 2021

Walsall Council Repair and Maintenance Contracts

Portfolio: Councillor Chattha

Related portfolios: All

Service: Corporate Landlord

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To seek Cabinet approval to award contracts for (i) General Building Maintenance and (ii) Fire and Access Repair and Maintenance (the 'Service and Maintenance Contracts') prior to completion of the procurement evaluations, in order to ensure continued statutory compliance and that essential building repairs works are undertaken on Council owned and occupied buildings upon the current contracts expiring on 31 May this year.
- 1.2 The new contracts will commence on 1 June 2021 and last for a period of 3 years with the option of extending for a further period of 2 years.

2. Summary

- 2.1 The Council has 20 repair and maintenance contracts, all of which are due to expire between 31 March and 31 August this year.
- 2.2 The Corporate Landlord plan rationalised the number of contracts that it maintains in order to improve efficiency and contract management. In conjunction with Procurement a sourcing strategy was developed that rationalised the existing contracts into 7 new services that brought together similar categories of work and would allow local suppliers to bid. Two of these services are managed by the Service and Maintenance Contracts.
- 2.3 These new contracts must commence on 1 June 2021 to ensure that all buildings remain compliant with statutory requirements and remain in a good and safe condition for staff and the general public, so there is limited time between commencing the tender process and the contract start date, which

will not be adequate to submit a Cabinet report for Cabinet to approve awards to named successful bidders.

- 2.4 This is a key decision because the value of each of the contracts covered in this report are expected to exceed £250,000.

3. Recommendations

- 3.1 That Cabinet delegate authority to the Executive Director for Resources and Transformation to award the contracts for (i) General Building Maintenance and Fire and (ii) Access Repair and Maintenance in consultation with the Portfolio Holder, with start dates for both contracts of 1 June 2021.
- 3.2 That Cabinet delegate authority to the Executive Director for Resources and Transformation to subsequently sign or seal the above contracts.
- 3.3 That Cabinet delegate authority to the Executive Director for Resources and Transformation in consultation with the Portfolio Holder to subsequently sign or seal any other related documents for the provision of such services as well as any extension and variation of the contractual arrangements or other related documents should this be required throughout the duration of the contracts.

4. Report detail - know

Context

- 4.1 The current statutory compliance and maintenance contracts, the General Building Maintenance commenced in June 2018, had an initial term of 2 years plus a 1 year optional extension, which was exercised; they are therefore due to expire on 31 May 2021. Access Repair and Maintenance contract is currently being procured through an agreed waiver contract with the current supplier.
- 4.2 With the implementation of Corporate Landlord, PwC and Walsall Proud Programme recommended a service review, a review on the service delivery and service providers was undertaken by the Interim Corporate Landlord and Walsall Proud team. It was concluded that the contracts should be rationalised to streamline the procurement process and reduce the number of suppliers serving the maintenance contracts.
- 4.3 The tender process for the Service and Maintenance Contracts is an Open Tender Process; this will enable local small and medium companies based within Walsall and neighbouring areas to tender for the works.
- 4.4 The procurement process has been undertaken with a collaboration of officers from Procurement and Corporate Landlord.

- 4.5 The timeline for the tender process does not give adequate time from the receipt of tenders for a report to be presented at Cabinet for approval of the contracts due to commence on 1 June 2021. This would leave the Council potentially exposed through lack of contractor support for repairs and compliance works, unless the Procurement Regulations allowed a short-term extension of existing contracts and the current providers agreed to such a contract modification.
- 4.6 The request for delegated authority for the Executive Director for Resources and Transformation to appoint the successful tenderers would ensure that Council building users have a safe workplace, and that all properties are statutory compliant with all current British Standards.

Council Corporate Plan priorities

- 4.7 The two new Service and Maintenance Contracts link with the Corporate Priority Plan 2018-2021, the section Economic Growth section by “creating an environment where business invests and everyone who wants a job can access one”. This achieved by allowing local Small Medium Companies to tender for the contracts, this would enable Walsall pounds to be kept within the local economy.
- 4.8 The internal focus – “internal services deliver quality and adapt to meet the needs of customer facing services”, the combining of the contracts will lead to a more efficient service delivery, and one of the Walsall Proud goal for the service area will be achieved.

Risk management

- 4.9 The risks in awarding these contracts are low, given that they will have been procured in accordance the Council’s financial and Contract rules. There is a reasonable expectation that the tender exercise will enable the Council to enter into contracts for delivery of the two service providers.

Financial implications

- 4.10 All statutory repairs and maintenance works will be funded from existing revenue budgets and approved capital schemes.

Legal implications

- 4.11 The Service and Maintenance Contracts will be in a form approved by Legal Services on behalf of the Director of Governance.
- 4.12 The report author and supporting Procurement officers will ensure that Legal Services are involved with any amendments to the proposed contracts arising out of any clarifications raised in the procurement process and Legal Services will review the final forms of contracts at contract award stage.

Procurement Implications/Social Value

- 4.13 The contracts have been tendered in compliance with the Council's Contract Rules and the Public Contracts Regulations 2015 using an open tender process which will enable local contractors to bid for the contracts.
- 4.14 Within the tender packages there is a Social Value question as part of the quality questions, this has a larger percentage of the scores of 10%. This element of tender evaluation will focus on the services that the contractors can support in the local economy, environments improvements and community pay back.

Property implications

- 4.15 The Service and Maintenance Contracts are an essential element of the compliance checking of Council owned and occupied buildings. Delaying the approval of the new contracts would leave the Council non-compliant with statutory and health and safety checks.

Health and wellbeing implications

- 4.16 The Service and Maintenance Contracts are essential to ensure the Council owned or occupied buildings remain safe for both visitors and staff. There is a statutory requirement to undertake compliance checks to ensure that the Council provide work places that are safe and in good order for both staff and other users of the properties.
- 4.17 In line with the Marmot report the new contracts will offer additional employment opportunities within the Walsall population, leading to an improvement in the local economy and the linked benefits.

Staffing implications

- 4.18 There are no HR implications arising from this report.

Reducing Inequalities

- 4.19 The new contracts will not create any inequalities to Council staff or visitors. An Equalities Impact Assessment has not been undertaken as the service provision provided will not be altered other than the identity of the suppliers undertaking the works.

Consultation

- 4.20 No public or service area consultation was deemed required as the services provided by this will remain unaltered other than the works being undertaken by new suppliers. There will be no reduction in the services or protection currently afforded by the incumbent suppliers.

5. Decide

The advantage to delegate authority to award the Service and Maintenance Contracts before the procurement process is complete will ensure the Council's continued compliance with all relevant Health and Safety and other statutory compliance requirements after the current contracts expire on 31 May this year.

6. Respond

The new suppliers will be confirmed as the procurement process for each tender comes to a close. All Service and Maintenance Contracts will be subject to monitoring through a range of key performance indicators.

7. Review

There will be quarterly contract review meetings for each contract by the Facilities officer managing the contract. Quality and cost shall be reviewed and any shortfalls shall be highlighted and remedied.

Background papers

None

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21 April 2021



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Portfolio holder

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