

21 June 2017

**Property Services – Asbestos and Water (principally legionella) Testing and Remediation and Mechanical and Electrical Works.**

**Portfolio:** Councillor K Chambers – Portfolio Holder Personnel and Business Support / Agenda for Change

**Service:** Change and Governance

**Wards:** All

**Key decision:** Yes

**Forward plan:** No

**1. Summary**

1.1 This report seeks Cabinet endorsement in line with the Council's Contract Rules and Procurement Regulations to change from the current use of the Framework Agreement with Solihull Metropolitan Borough Council to use other OJEU compliant Frameworks to secure better value for money for the council and continuity post 31 March 2018, date of expiry of current Framework.

1.2 The report recommends accessing the following Frameworks:

Name	Works to corporate premises	Duration	Estimated value to end of Framework
Northern Housing Consortium	Asbestos testing and remediation	31/3/20	£270,000
Northern Housing Consortium	Water (principally Legionella)	30/9/19	£180,000
Constructing West Midlands (CWM)	Mechanical and Electrical works (including Heating)	30/9/19	£2,800,000

1.3 In accordance with the Council's Contract Rules, a Cabinet resolution is required to award a contract where the anticipated total value will exceed £250,000.

**2. Recommendations**

2.1 That Cabinet approves the change in service provision for securing testing and remediation works associated with asbestos and water in corporate premises from the current Solihull Framework to use of contractors from the Northern Housing Consortium Frameworks.

2.2 That Cabinet note that a further report will be presented following the evaluation of a mini-tender of contractors on the relevant Northern Housing Consortium Frameworks for asbestos and water.

- 2.3 That Cabinet authorise the awarding of contracts via the OJEU compliant, Constructing West Midlands Framework for a range of mechanical and electrical works including heating for corporate premises including works to schools.

### **3. Report Detail**

#### **Background**

- 3.1 Following an Options Appraisal in 2014 the Council has been principally securing asbestos, water and mechanical and electrical works related works and services via a Framework with Solihull MBC. This Framework expires on 31 March 2018.
- 3.2 Following a review of other options and the cost of works received from the Solihull Framework it is proposed to seek alternative contractor(s) for this work via OJEU compliant Frameworks managed by the Northern Housing Consortium and Constructing West Midlands. The time-periods for the Frameworks (as indicated in 1.2 above) are as a minimum 30 September 2019.
- 3.3 The council has a range of planned works for 2017/18 and estimated / budget prices and quotes received via the Solihull Framework are in excess of those that have been received from the various alternative Framework contractors. In line with the Council's every penny counts work and best value it is not considered appropriate to continue to place work under an arrangement with Solihull where it costs the council more.

### **4. Corporate Priorities**

This proposal seeks to reduce costs associated with procuring testing and remediation works for asbestos and water and roofing works to corporate premises. This is fully in line with the Council's ongoing work to rebalance it's budgets so that it can effectively deliver the Corporate priorities.

### **5. Risk management**

- 5.1 The principal risk relates to the potential that the Council will not be able to secure suitable contractors to undertake the works and services. This risk is mitigated by the fact that the Council proposes accessing for example, via mini-tender, contractors who are already delivering these works and services under an existing OJEU compliant Framework.
- 5.2 The proposal also mitigates the risk of works and services not being available in this area post 31 March 2018 by seeking to use Frameworks with a current earliest end dates of 30 September 2019.

### **6. Financial Implications**

- 6.1 The proposal is to use available OJEU compliant Frameworks to deliver works and services at a lower cost than the current Solihull arrangement.
- 6.2 All capital costs relating to asbestos and water are funded by a capital health and safety essential works allocation and savings secured will result on less call on this corporate budget.
- 6.3 Capital costs relating to mechanical and electrical works are funded either by capital repair and maintenance budgets, specific schemes allocations (including but not

limited to planned maintenance). Any saving will therefore be available to be re-utilised across other essential works.

## **7. Legal implications**

- 7.1 The works and services are to be sought in full compliance with the Council's Contract Rules and the Public Contract Regulations 2015 and ensure OJEU compliance from existing Northern Housing Consortium and CWM Frameworks.
- 7.2 The existing Solihull Framework is a 'call-off' framework and the council is able to use those services it wishes to and to the volume it deems necessary / appropriate. The Framework is not exclusive and therefore the Council can seek to use alternative provision.

## **8. Procurement reporting**

- 8.1 Procurement Services have supported in detail the work related to this report and confirmed that the Northern Housing Consortium and CWM Frameworks meet relevant standards.

## **9. Property implications**

- 9.1 The works and services relate specifically to corporate premises and will ensure appropriate statutory compliance and essential maintenance and improvement of property assets.

## **10. Health and wellbeing implications**

- 10.1 The health impacts of asbestos and legionella are widely known and this proposal will continue to enable the council to meet its statutory duties in this regard for its corporate premises.

## **11. Staffing implications**

- 11.1 There are no council staff implications.

## **12. Equality Implications**

- 12.1 No Equality Impact Assessment is required for this proposal. It is noted that the Northern Housing Consortium Frameworks and CWM Framework meets the requirements of the Equality Act and will include contract conditions which:
- Prohibit the contractor from unlawfully discriminating under the Equality Act
  - Require them to take all reasonable steps to ensure that staff, suppliers and subcontractors meet their obligations under the Equality Act.

## **13. Consultation**

- 13.1 key customer departments are aware that the Integrated Facilities Management Service have been seeking to secure alternative VFM contractors to undertake works to corporate premises and are supportive of this work.

## **Background papers**

None

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Signed



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13<sup>th</sup> June 2017

Signed:

K. Chambers

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13<sup>th</sup> June 2017